

Licensing Committee (Hackney Carriage)

Thursday 1 December 2011

PRESENT:

Councillor Delbridge, Vice Chair in the Chair.
Councillor Mrs Nicholson, Vice Chair.
Councillors Bowie, Churchill, Haydon and Rennie.

Apology for absence: Councillor Reynolds (Chair).

Also in attendance: Tracey Bromley (Licensing), Sharon Day (Lawyer), Andrea Gilbert (Lawyer), James Hirst (Licensing Officer) and Andy Netherton (Manager Health, Safety and Licensing).

The meeting started at 10.00 am and finished at 4.45 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

86. APPOINTMENT OF VICE CHAIR

Agreed that Councillor Mrs Nicholson is appointed as Vice Chair for this particular meeting.

87. DECLARATIONS OF INTEREST

There were no declarations of interest made by councillors in accordance with the Code of Conduct.

88. MINUTES

Agreed the minutes of the meeting held on 3 November and 17 November 2011 are confirmed as a correct record.

89. CHAIR'S URGENT BUSINESS

With the permission of the Chair, Councillor Rennie raised concerns regarding the lack of progress regarding reinstating the taxi rank at Marks and Spencer and advised that some disability groups within the city were considering taking legal action against the council relating to this matter.

The Manager for Health, Safety and Licensing advised that –

- (a) following the protracted process with the installation of the taxi rank for the Barbican, officers were keen to ensure that they were fully aware of the approvals required;
- (b) there was some flexibility with the traffic restrictions on this part of the road; taxis were permitted to drop off and pick up in this area;

- (c) the Plymouth City Council Act 2975 required the approval of both the police and highways, in order to instate a taxi rank;
- (d) this particular taxi rank had been included as part of the review but both the police and highways had not been happy for the rank to be reinstated.

Agreed that a verbal report including a timeline is submitted to the next committee meeting, regarding the instatement of a taxi rank outside of Marks and Spencer.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need for councillors' decision).

90. **APPEAL CASES**

The committee was advised that there had been no new appeal cases since the last meeting.

91. **HACKNEY CARRIAGE AND PRIVATE HIRE FEES FOR 2011/12**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) considered the objections against the proposed fee increase;
- (c) considered the following responses provided to questions raised by the committee –
 - there was no facility within the licensing department to handle cash (the council wished to move away from handling cash);
 - currently there were no individual driver accounts set up; funds were paid into the general account and monies vired from one account to another;
 - individuals had the right to a fair hearing and as such interrupters would be used to ensure that the individual fully understood the proceedings.

The committee agreed –

- (1) to approve the new fee structure as advertised and as set out in the fees table (appendix I in the report) as it was not considered proportionate to alter the fees on the objections received;
- (2) that the fees would come into effect on 1 January 2012.

Order of Business

The order of business on the agenda was amended as set out below in the minutes.

92. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - W A DUNN**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mrs Dunn;
- (c) heard from the legal officer.

The committee agreed to adjourn to the next available meeting due to technical reasons concerning Mrs Dunn's licence, which needs to be resolved before the matter is heard by the committee.

93. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - V BANTA**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard that Mr Banta was not present at this meeting;
- (c) taken into account that –
 - Mr Banta was sent a letter inviting him to attend this hackney carriage meeting. The letter advised him that in the event of his non-attendance, the matter might be considered in his absence. Mr Banta had not attended the meeting, although it was understood that he was out of the country; it was considered in the interest of public safety to hear the item today;
 - Members were unable to ask Mr Banta why he gave incorrect information regarding the attainment of his VRQ due to Mr Banta's non attendance;
- (d) Members were however concerned that at the hearing on 4 August 2011, the fact that they believed Mr Banta's assertion that he had a VRQ qualification was instrumental in their overall decision making process when considering the report at that time;

- (e) heard from the licensing officer that Mr Banta had now completed his six day suspension and had now commenced his VRQ training; the licensing officer confirmed that V Banta had elected to complete not only the VRQ but also the NVQ qualification.

The committee agreed to impose a three day suspension in view of the incorrect and misleading information provided by Mr Banta at the 4 August 2011 committee hearing and to require Mr Banta to provide his complete VRQ certificate to the licensing department by 1 June 2012; failure to provide the certificate within the specified period will result in Mr Banta being called before the committee to explain this failure.

94. **EXEMPT INFORMATION**

Agreed that under Section 100A(4) of the Local Government Act, 1972 to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 and 7 of Part I Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

95. **CONFIDENTIAL MINUTES (E3 AND E7)**

Agreed that the minutes of the meeting held on 3 November 2011 are confirmed as a correct record.

96. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - BJB (E3 AND E7)**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from BJB.

The committee agreed that the application for a private hire driver's licence is granted subject to BJB satisfactorily completing all the pre requisite tests, these being the Knowledge of Plymouth test, driving standards test and Group II medical certificate in addition to the VRQ level II driver qualification in Transporting Passengers by Taxi and Private Hire, or equivalent which must be completed within the first 12 months of his newly granted licence.

97. **LICENSED HACKNEY CARRIAGE DRIVER - APPLICATION FOR EXEMPTION - GCP (E3 AND E7)**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from GCP.

The committee agreed to elect to grant GCP a 12 month exemption only and to invite him to produce a medical certificate at the end of that period with an update report on his condition if he still required a life time exemption.

(Please note: there is a confidential part to this minute)

(Councillor Churchill left the room and was not present for items 98, 99, 100 and 101)

98. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - KSJM (E3 AND E7)**

The committee having –

- (a) considered the report from Director for Community Services;
- (b) heard from the Licensing Officer that KSJM had now provided his medical certificate.

The committee agreed that due to KSJM providing his medical certificate no further action would be taken in this matter.

99. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - IAM (E3 AND E7)**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from the licensing officer that IAM had handed in his private hire driver's licence badge.

The committee agreed that no further action is taken in this matter.

100. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - NJB (E3 AND E7)**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from NJB.

The committee agreed that the application for a hackney carriage driver's licence is granted subject to NJB satisfactorily completing the driving standards test, although Members agreed to NJB's request to be exempt from sitting the Knowledge of Plymouth test; as with all new drivers, NJB will be required to complete the VRQ drivers' qualification or equivalent in common with all new applicants since the adoption of the Taxi Licensing Policy which must be completed within the first 12 months of the newly granted licence.

101. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - KJ (E3 AND E7)**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from KJ;
- (c) heard from KJ's representative.

The committee agreed that it would follow its own guidelines and have elected to refuse this application, as it did not consider that KJ is a fit and proper person, at this time, to hold a private hire driver's licence.

(Please note: there is a confidential part to these minutes)