

Taxi Licensing Committee

Thursday 19 April 2012

PRESENT:

Councillor Reynolds, in the Chair.

Councillor Delbridge, Vice Chair (present for the afternoon only).

Councillors Churchill (present for the morning only), Haydon, Mrs Nicholson, McDonald (substitute for Councillor Bowie) and Rennie.

Apology for absence: Councillor Bowie.

Also in attendance: George Curness (Licensing Officer), Sharon Day (Lawyer), David Hughes (Senior Environmental Health Officer), Andy Netherton (Manager for Safety, Health and Licensing) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.20 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.

142. DECLARATIONS OF INTEREST

Councillor Churchill declared a personal and prejudicial interest in minute 148, he knew Mr England.

143. MINUTES

Agreed that the minutes of the meeting held on 23 March 2012 are confirmed as a correct record.

144. CHAIR'S URGENT BUSINESS

With the permission of the Chair, the licensing officer reported that the Chair had approved the delegated authority report to grant a private hire operator's licence.

(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 to inform councillors).

145. APPEAL CASES

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

146. **VEHICLE PROPRIETORS**

The manager for safety, health and licensing reported that –

- (a) sixteen proprietors had been identified who owned three vehicles or more; a letter had been sent to all owners of multiple licenses (both hackney carriage and private hire), requesting details of maintenance arrangements;
- (b) the majority of the proprietors (14) had responded by confirming that the larger owners had repair garages, stocks of tyres and kept one or more spare vehicles whilst the smaller proprietors had contract arrangements in place;
- (c) officers inspected vehicles whilst on routine patrols and joint partnership exercises; if a vehicle was found with a serious fault, the vehicle licence would be suspended until the fault had been rectified; if the Devon and Cornwall police were in attendance they would deal with the matter appropriately, by issuing a fixed penalty notice, or in isolated cases, reporting the offence to the court;
- (e) following any suspension of a vehicle licence, the proprietor would be contacted to ensure that they were aware of the fault and that a good standard of vehicle repair was maintained; vehicles with persistent faults would be referred to the committee for consideration.

The committee agreed to note the report.

147. **REQUEST FOR OFFICER DELEGATED AUTHORITY TO GRANT MEDICAL EXEMPTIONS**

The manager for safety, health and licensing reported that –

- (a) hackney carriage drivers had a duty to carry passengers within the prescribed limits of the City boundary which included wheelchair users; the Town Police Clauses Act, 1947 states ‘ that a driver of a hackney carriage cannot refuse or neglect to carry any passenger within the prescribed distance, without having a reasonable excuse for doing so’; if a driver refused to carry a passenger without a reasonable excuse then an offence would be committed;
- (b) the Council may exempt a driver from the duty of carrying wheelchairs and assistance dogs where a medical condition prevented the driver from reasonably undertaking this function;
- (c) in order to grant a lifetime exemption the Council’s policy required drivers to appear before the committee;

- (d) following the adoption of the 166 Equality Act, 2010 it was a statutory requirement for the Council to issue an exemption certificate, if there was medical grounds, or the grounds that the person's physical condition made it impossible or unreasonably difficult for the person to comply with the duty to carry wheelchair users; (under 172 of the Equality Act 2010 there was an appeal to the magistrate's court against a refusal to grant an exemption certificate;
- (e) to obtain a medical exemption a driver must obtain a certificate from a GP, which declared the condition which prevented the driver from performing the full range of duties in relation to wheelchair users and assistance dogs;
- (f) in order to reduce the workload of the committee, officers were seeking delegated authority to undertake the function of issuing all medical exemptions for carrying wheelchairs and assistance dogs.

The committee agreed the recommendation to delegate authority to grant all wheelchair and assistance dog exemptions certificates to the Assistant Director for Environmental Services; however, if officers had any concerns regarding any application then the matter will still be referred to committee for a decision; Members further recommended that the Council's policy is reviewed with a view to setting up an independent medical assessor to assess applicants for exemption certification in the future.

148. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - A J ENGLAND**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr England;
- (c) took the following into account –
 - Mr England had been a licensed driver since 2010;
 - Mr England explained that the offence had occurred due to an error on the part of his partner, who had forgotten to pay the money into the bank; Mr England had now taken steps to ensure this did not happen again, by setting up an alert system with the insurance company, so that he received a reminder when his insurance was due to expire;
 - that Plymouth City Council's Hackney Carriage and Private Hire Licensing policy stated that motoring offences were relevant offences when considering the suitability of a person to retain licence.

The committee agreed that having taken all of the above into account, it is a proportionate decision to issue Mr England with a warning on this occasion; the warning will lie on Mr England's file indefinitely and will be brought to the attention of the committee, if he appears before them again in the future.

(Councillor Churchill declared a personal and prejudicial interest in the above matter and left the room).

149. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - M O MINDRUTESCU**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Mindrutescu;
- (c) took the following into account –
 - Mr Mindrutescu had completed the BTec in transporting passengers by taxi and private hire;
 - on 17 July 2010 a private hire vehicle that was being driven by Mr Mindrutescu had been inspected and found to have no faults;
 - Mr Mindrutescu had now changed vehicle proprietor;
- (d) was concerned that –
 - Mr Mindrutescu had various vehicles with different proprietors that had been found to have faults on three occasions since he was first granted a taxi licence in September 2009 and that he appeared to place a lot of blame on those proprietors;
 - some of the inspections had revealed serious defects with his vehicles;
 - as the vehicle user the overall management of the vehicle and its road worthiness was Mr Mindrutescu's responsibility;
 - in addition, at the time of the latest vehicle inspection, officers checked Mr Mindrutescu DVLA licence and discovered an unreported criminal conviction; Mr Mindrutescu explained that he had reported the accident and thought that this was sufficient.

The Plymouth City Council Act, 1975 enabled the Council to suspend or revoke the licence of a driver of a hackney carriage vehicle for any other reasonable cause.

The first of the licensing objectives contained in the Hackney Carriage and Private Hire Licensing policy required Members to promote the safety and health of drivers and the public.

Members considered that Mr Mindrutescu's failed vehicle inspections indicated an alarming lack of consideration for the safety of his passengers and the general public and agreed that it is proportionate to suspend Mr Mindrutescu's hackney carriage driver's licence for seven days.

150. **EXEMPT INFORMATION**

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

(Councillor Churchill was not present for the following items of business).
(Councillor Delbridge was present for the following items of business).

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

Agreed that the minutes of the meeting held on 23 March 2012 are confirmed as a correct record.

152. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - PS (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) having received a letter from PS requesting that the matter be dealt with in his absence, agreed to deal with this matter, as requested by him.

The committee agreed that it is a proportionate decision to revoke PS's hackney carriage driver's licence in accordance with Section 19(1)(b) of the Plymouth City Council Act, 1975.

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

153. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - KLD (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from KLD and his solicitor.

The committee agreed that it is a proportionate decision to suspend KLD's private hire driver and hackney carriage driver's licences for a period of five days, in accordance with Section 19(1)(b) of the Plymouth City Council Act, 1975.

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

154. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - PEFH (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from PEFH and his wife.

The committee agreed that it is a proportionate decision to issue PEFH with a warning and that the warning will rest on file indefinitely and will be brought to the committee's attention if PEFH appeared before it in the future; Members however, wanted to be assured that the medication that PEFH had said he was taking, did not affect his medical fitness to driver and therefore requires him to take a medical examination to confirm that he is fit to Group II standard within one month of the committee hearing.

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

155. **LICENSED HACKNEY CARRIAGE DRIVER - APPLICATION FOR EXEMPTION - AEJ (E3 AND E7)**

The committee agreed to withdraw this item due to its earlier decision to delegate authority to grant all wheelchair and assistance dog exemptions certificates to the Assistant Director for Environmental Services.