

Taxi Licensing Committee

Thursday 20 December 2012

PRESENT:

Councillor Haydon, in the Chair.
Councillor Bowie, Vice Chair.
Councillors Mrs Foster, Mrs Nicholson, Rennie and Singh.

Apology for absence: Councillor Ricketts.

Also in attendance: Sharon Day (Legal Officer), Steve Forshaw (Licensing Officer – pm only), Mark Small (Licensing Officer – am only) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.48 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.

80. **DECLARATIONS OF INTEREST**

There were no declarations of interest made by councillors in accordance with the code of conduct.

81. **MINUTES**

Agreed that the minutes of the meeting held on 22 November 2012 are a correct record.

82. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

83. **APPEAL CASES**

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

84. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - C M CRACIUN**

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from Mr Craciun that –

- he accepted that he was speeding and that he was travelling at 38mph in a 30mph zone;
- he had not received the letters from the court about the offences and had been informed of the convictions following a phone call from the court in October/November 2012;
- he accepted that he had failed to report the convictions in accordance with the Hackney Carriage Byelaws and said that he did not know that he had to; he did confirm that he had been given a copy of the Byelaws when he was first licensed;
- he apologised for committing the offences;

(c) took the following into account -

- Mr Craciun had been a hackney carriage driver since July 2011 and that his current licence was due to expire on 8 July 2013;
- on 14 August 2012, Mr Craciun had been convicted of failing to give the identity of a driver of a metro cab which was alleged to have been involved in a speeding offence on 3 March 2012; he had been fined £600 and had his licence endorsed with six penalty points;
- he had been convicted of using a hand held mobile phone whilst driving on 21 April 2012 (which was during the application process and prior to being granted his licence) and had been fined £60 and had his DVLA licence endorsed with three penalty points;
- he now had a total of nine live points on his licence;
- he had failed to report the 2012 conviction in accordance with Hackney Carriage Byelaws;
- motoring offences were a relevant consideration when considering a driver's suitability to retain a licence;
- Mr Craciun had completed the VRQ qualification;
- Mr Craciun had answered a question in his Knowledge of Plymouth test which indicated that he knew he had to report the conviction;
- all that Mr Craciun said above.

(d) were concerned that –

- Mr Craciun had nine live points on his licence;
- Mr Craciun was aware that he had to report the convictions but that he had failed to do so;
- he had disregarded the rules of the road in relation to speeding and Plymouth City Council Byelaws in failing to report his conviction;
- Mr Craciun had asked a friend whether he had to report the conviction rather than contacting the licensing office;
- Mr Craciun had a fare on board when he was speeding.

The committee agreed that having regard to all of the above, Mr Craciun's hackney carriage driver's licence will be suspended for a total of three days, in accordance with section 19(1)(b) of the Plymouth City Council Act 1975; this being two days for failing to report the conviction in accordance with the byelaws as this did not demonstrate a commitment to work with the licensing authority and one day in respect of the speeding offence which raised concerns for public safety, all of which are relevant under the Council's licensing objectives.

85. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - C R WILDMAN**

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from Mr Wildman that –
 - he checked his vehicle's tyres daily and had checked the tyres on 31 October 2012;
 - he was very sorry for what happened and had been very surprised when told by the licensing officer that his tyres were bald;
 - he had taken the vehicle to two garages the next day and a problem had been found with the tracking and also other issues had been discovered which had led to excessive wear on the inside of both tyres; these problems had been rectified by the garages on 1 November 2012 prior to the suspension being lifted;
 - he had numerous compliments and character references which showed that he was a helpful and courteous driver;

- if his hackney carriage driver's licence was suspended and not his vehicle licence this would have a detrimental effect on his disabled passengers;
 - he usually got 25,000 miles out of his front tyres as he buys the best quality tyres but in this case he had only got 9,412 miles out of the front tyres;
- (c) took the following into consideration –
- Mr Wildman had been a licensed hackney carriage driver since May 2002 with his current licence being due to expire in May 2015;
 - during a routine inspection on 31 October 2012, Mr Wildman's hackney carriage vehicle had been found to be unroadworthy due to the fact that both front tyres were worn down to the cord; the vehicle licence had been immediately suspended; the suspension was lifted the following day when the repairs had been carried out;
 - that Mr Wildman's vehicle had been inspected on other occasions in the past year at which time the vehicle was found to be satisfactory;
 - it was a condition of the hackney carriage vehicle licence that all tyres and wheels must meet the legal requirements as to suitability for use on the road;
 - Mr Wildman drove and owned the vehicle and as the driver was responsible for its roadworthiness;
 - all that was said by Mr Wildman;
- (d) were concerned that –
- the tyres were so bald that the cord was showing and this was a public safety concern; the committee also found it difficult to accept that such wear had occurred in one day between checks;
 - if the defective tyres had not been picked up by the licensing officer, it was possible that Mr Wildman could have carried on driving passengers.

The committee agreed that –

- (1) Mr Wildman's hackney carriage driver's licence will be suspended for a period of two days under section 19(1)(b) of the Plymouth City Council Act 1975 as bald tyres are a public safety concern which is a relevant consideration under the Council's licensing objectives;
- (2) no action will be taken against Mr Wildman's hackney carriage vehicle licence as the vehicle is now fit for use and there are no reasonable cause for any action to be taken against the licence under section 18 of the Plymouth City Council Act 1975.

86. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - S R ROMAN**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Roman that –
 - he apologised that the tyres had been defective and accepted that this was his fault;
 - he checked the tyres once a week with the owner of the vehicle;
 - he had an arrangement with the owner of the vehicle for repair and replacement of tyres;
- (c) took the following into account –
 - that Mr Roman had been first licensed by the Council on 20 February 2012 and his current licence was due to expire on 19 February 2013;
 - during a joint enforcement patrol with the police on 2 November 2012, Mr Roman's private hire vehicle was found to be unroadworthy due to the fact that his rear passenger side tyre was found to be worn to excess;
 - as a result of the above the vehicle licence had been immediately suspended but was lifted the same day following the rectification of the fault;
 - on 11 October 2012 again during a joint enforcement patrol Mr Roman's vehicle was found to be unroadworthy due to the fact the front passenger side tyre was found to be worn to excess;

- as a result of the above the vehicle licence was immediately suspended but lifted the same day following the rectification of the fault;
 - it was a condition of the private hire vehicle licence that tyres and wheels must meet the legal requirements;
 - Mr Roman rented the vehicle but was the sole driver;
 - these issues had occurred within the first 12 months of him being licensed as a driver;
 - all that Mr Roman said above;
- (d) were concerned that –
- these problems had occurred within the first 12 months of Mr Roman being licensed as a driver which was effectively a probationary period;
 - Mr Roman only checked his tyres once a week and that they should be checked more regularly.

The committee agreed that –

- (1) taking all of the above into account Mr Roman's private hire driver's licence will be suspended for two days in accordance with Section 19(1)(b) of the Plymouth City Council Act 1975, as bald tyres are a public safety concern which is a relevant consideration under the Council's licensing objectives;
- (2) Mr Roman's probationary period as a driver will be extended for a further 12 months;
- (3) no action will be taken against the private hire vehicle licence as the vehicle is now fit for use and there is no reasonable cause to take any action against the licence under section 18 of the Plymouth City Council Act 1975.

87. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - R J DINGLE**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Dingle that –
 - he accepted that he had not checked his tyres properly and that he was at fault;

- he had learnt his lesson and now checked his tyres in daylight daily and that he was more vigilant;
- (c) took the following into account –
- Mr Dingle had been a licensed private hire driver since September 2004;
 - on 2 November 2012 during a joint enforcement patrol Mr Dingle's vehicle was found to be unroadworthy due to the fact that the front driver's side tyre was worn to excess to the extent that the cord was showing on the inner tread;
 - the vehicle licence was immediately suspended and was lifted on 5 November 2012 when the fault had been rectified;
 - it was a condition of the private hire vehicle licence that all tyres and wheels must meet the legal requirements as to suitability for use of the vehicle;
 - Mr Dingle was the owner and sole driver of the vehicle and was therefore responsible for its roadworthiness;
 - all that Mr Dingle said above;
- (d) were concerned that Mr Dingle had a bald tyre whilst working and that this raised concerns for public safety.

The committee agreed that –

- (1) taking all of the above into consideration, Mr Dingle's private hire driver's licence will be suspended for two days as bald tyres raised concerns for public safety which is a relevant consideration under the Council's licensing objectives;
- (2) no action will be taken against Mr Dingle's private hire vehicle licence as the vehicle was now fit for use and there was no reasonable cause to take any action against the licence under section 18 of the Plymouth City Council Act 1975.

88. **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 paragraphs 3 and 7 of Part I of Schedule 12a of the Act, as amended by the Freedom of Information Act 2000.

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

Agreed that the minutes of the meeting held on 22 November 2012 are confirmed as a correct record.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from NKL.

The committee agreed to grant NKL's application for a private hire driver's licence subject to him satisfactorily completing the three pre requisite tests and the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire or its equivalent within the next 12 months of the grant of this licence.

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

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from SWA.

The committee agreed to grant SWA's application for a hackney carriage driver's licence subject to him satisfactorily completing the medical examination and driving test prior to being granted the licence; SWA did not have to take the Knowledge of Plymouth test; SWA is required to complete the VRQ qualification in Transporting Passengers by Taxi and Private Hire or equivalent within the first 12 months of being granted this licence.

Order of Business

With the permission of the Chair, the order of business on the agenda was amended, as set out below in the minutes.

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

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from RN.

The committee agreed to grant RN's application for a private hire driver's licence subject to him satisfactorily completing all the pre requisite tests and completing the VRQ driver qualification in Transporting Passengers by Taxi and Private hire or its equivalent within the first 12 months of the grant of this licence.

(Please note that Councillor Singh was not present for the following items on the agenda)

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

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from NR.

Having taken the above into account the committee agreed to refuse to grant NR's application for a private hire driver's licence as he is not considered to be a fit and proper person to hold a licence.

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

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

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from CRW.

The committee agreed to grant CRW's application for a private hire driver's licence subject to him satisfactorily completing all the pre requisite tests and the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire or its equivalent within the first 12 months of the grant of this licence.