

Taxi Licensing Committee

Thursday 28 February 2019

PRESENT:

Councillor Mavin, in the Chair.

Councillor Singh, Vice Chair.

Councillors Mrs Bridgeman, Corvid, Jordan, Mrs Pengelly and Rennie.

Apology for absence: Councillor Mrs Pengelly (morning only).

Also in attendance: Sharon Day (Lawyer – AM Only), Steve Forshaw (Senior Enforcement Officer), Catherine Fox (Lawyer – PM Only), Cathy Griffin (Enforcement Officer), Andrew Hardingham (Service Director for Finance – AM only), Rachael Hind (Licensing Service Manager – AM only), David Northey, (Head of Integrated Finance – AM only, Helen Prendergast (Democratic Advisor), Mark Small (Enforcement Officer – AM only).

The meeting started at 10.00 am and finished at 7.40 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.

100. **Declarations of Interest**

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

101. **Minutes**

The Committee agreed that the minutes of the meetings held on 10 January and 24 January 2019 are confirmed as a correct record.

102. **Chair's Urgent Business**

There were no items of Chair's urgent business.

103. **Appeal Cases**

The Committee was provided with the result of an appeal case that had been submitted to the Magistrate's Court.

Members were advised that their decision had been upheld with costs being awarded to the City Council.

104. **Hackney Carriage and Private Hire Licence Fees**

Rachel Hind (Licensing Service Manager) advised the Committee that on Monday afternoon (25 February 2019) she had received an email with a letter sent from a legal representative of the Plymouth Licensed Taxi Association (PLTA).

The letter was received very late after the consultation period had closed, however in light of the information contained it was right to give this matter due consideration.

It was recommended that the decision on fees was deferred to allow officers to check the assertions made and provide assurance to Members to allow them to set the fees in accordance with the legal requirements.

The Committee agreed to defer the Hackney Carriage and Private Hire Licence Fees to a future meeting of the Committee for consideration.

(The meeting was adjourned at 10.20am to reconvene at 2pm).

(Councillor Mrs Pengelly was not present for this item).

105. **Exempt Business**

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 1 of Part I Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

106. **Confidential Minutes**

The Committee agreed that the minutes of the meeting held on 24 January 2019 are a correct record.

107. **Review of Status of Hackney Carriage Driver Licence - DGP**

At the start of the hearing the Committee considered DP's request made by email that the hearing took place in part I and for the Taxi Licensing Officer, Mr Forshaw to act as a character reference. It also considered DP's verbal request for his character witness to be called out of order due to a prior work commitment.

The Committee determined that the hearing should be heard in part II (in private).

It noted that Mr Forshaw was presenting the report on behalf of the Taxi Licensing Department and so could not act as a character witness. He was available to answer all questions put to him.

The position of the character witness was further noted and it was agreed he could be called before the Committee heard from DP. At 14.30pm unfortunately, when CW was called he had had to leave and had left a message to be presented to the Committee.

The Committee –

- (d) considered and took into account the report from the Director of Public Health;
- (e) considered the statement and heard oral evidence from complainant one (driver) and complainant two (passenger assistant);
- (f) heard from DP;
- (g) took into account DP's statement and his oral evidence to the Committee;
- (h) noted the evidence, written and oral from the complainants.

The Committee took all the above and the report into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy 2018.

The Committee resolved that it wanted to find a way to help DP realise that he had made an error of judgement in causing this incident and to find a way to help him work with the Authority rather than against it.

For that reason it resolved to suspend DP's Hackney Carriage licence for a period of five consecutive days to provide him with time for reflection and a period within which he could consider and refresh his memory with the rules and conditions of his licence.

It further resolved that a warning should be placed on DP's record that if there were to be any further contraventions, penalty points, complaints and convictions then that matter would be referred to the Committee and considered alongside the information presented today.

(Councillor Singh left the meeting prior to the Committee making its decision on DP's review and took no further part in the meeting).

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

Order of Business

With the permission of the Chair, the order of the agenda was changed as reflected in the minutes.

108. Application for the Grant of a Private Hire Vehicle Driver Licence - LDB

The Committee -

- (a) considered the report from the Director of Public Health;

- (b) heard from LBD;
- (c) took the report and all that was said by LBD and his wife into account.

The Committee took all of the above and the report into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy and in particular its Guidance on Relevance of Convictions and Conduct.

The Committee had considered the application on its own merits and in this instance was prepared to act outside of its policy and agreed to grant the application subject to LPD's completion on the first available date but no later than 12 months the following courses –

- Ambassador's Course;
- NVQ Passenger Transport.

(Councillor Mrs Pengelly and Councillor Jordan left the meeting and did not participate further in the meeting).

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

109. **Application for the Grant of a Private Hire Vehicle Driver Licence - HJC**

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) heard from HJC;
- (c) took the report and all that was said by HJC into account.

The Committee took all of the above and the report into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy and in particular its Guidance on Relevance of Convictions and Conduct.

The Committee had considered the application on its own merits and in this instance was prepared to act outside of its policy and agreed to grant the application subject to HJC passing the necessary pre requisites for the Driving Standards Test and for her completion on the first available date but no later than 12 months the following courses –

- Ambassador's course;
- NVQ Passenger Transport.

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

110. **Review Status of Private Hire Vehicle Driver Licence - ZGO**

The Committee was advised that ZGO was not in attendance. His representative

had been advised that the Chair of the Committee had agreed to hear the case of ZGO last and would put it back in the list to 4.30pm. The representative had also been advised that either he or ZGO could submit written representations or someone could attend on his behalf.

The Committee considered whether it should adjourn to the date of the next Taxi Licensing Committee (21 March 2019), whether it should be adjourned for a shorter period and a special committee arranged, or whether the issues contained within the report posed such a significant risk to public safety that it should proceed to hear the review.

The Committee concluded that the potential risks to public safety were so great as to outweigh ZGO's right to be heard. It noted that he had been given the opportunity to attend at the later time of 4.30pm and then again at 7pm.

The Committee –

- (a) considered the report from the Director of Public Health;
- (b) took all of the above and the report into consideration and also considered the Council's Hackney Carriage and Private Hire Licensing Policy 2018.

The Members unanimously considered that they did not feel that either they or any of their family members would be safe travelling alone in a taxi with ZGO. Members unanimously agreed that he was no longer a fit and proper, or a safe and suitable person to hold a Private Hire driver's licence; it agreed to revoke his Private Hire driver's licence. It considered that this action was proportionate and necessary in all the circumstances.

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