

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 17 DECEMBER 2014

Present: Councillor

Councillors J Cotterill, P Hyde and L Massey

In Attendance: Councillors

Officers: Mr D Gill and Mrs M Meredith

## **1 ELECTION OF CHAIRMAN**

It was moved by Councillor J Cotterill, seconded by Councillor L Massey and

RESOLVED THAT:

Councillor P Hyde take the chair for the remainder of the meeting.

## **2 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

## **3 DECLARATIONS OF INTEREST**

There were no interests declared.

## **4 EXCLUSION OF PRESS AND PUBLIC**

RESOLVED THAT:

In pursuance of Section 100A (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act, and in the circumstances of the matter under consideration, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

It was noted that the applicant had only recently had sight of the report and supporting information. The applicant confirmed that he was happy to proceed with the hearing taking into account the information contained within the report.

## **5 APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE**

The Licensing Team Leader presented the report which asked Members to determine whether the applicant was a fit and proper person to hold a hackney carriage driver's licence.

The applicant presented his case. He stated that all the allegations against him could be explained and he was not at fault. He outlined one case in particular where the customers did not pay the fare and had complained a few days later. He could not understand why this was his fault, and most of the complaints were similar to this.

Chairman's initials

In response to a question from Councillor P Hyde, the applicant confirmed that he had reported incidents to the office 90% of the time.

In response to questions from Members regarding the sexual allegations made against him, his alleged disregard for the licence conditions and for disabled people, the applicant explained to Members what had transpired in each incident. He added that his driving licence and CRB check were completely clean and he had only been in a police station 3 times in his life, and this was only since he had become a taxi driver. He commented that some people did not understand the rules, and he tried to explain to them so that the situation would not be repeated for other drivers. He stated that he had done over 25,000 jobs and he did try to compromise. He acknowledged that he did make mistakes, and he was sorry for this and would learn from his mistakes. He stated that he would accept any restriction the Sub Committee wished to impose and would undertake any training they required.

The Licensing Team Leader reiterated that the applicant had received more complaints than any other driver. He asked the applicant to consider why this might be and what could be causing people to take exception to him.

The applicant accepted that there were too many complaints. He thought this was due to his attempts to explain the rules to passengers. He added that he had learned this was a mistake and he did not want to be in this situation.

Mr D Underwood, representing the applicant, addressed the meeting. He stated that what had been said demonstrated the complexities of the industry, as drivers were very often alone with another person and there would always be two sides of the story. He added that the incident which had been discussed were not uncommon, and he had seen similar instances with other drivers. He commented that he was not sure whether it was factual to say that the applicant had received more complaints than any other driver, as he was aware of others who were on a final warning. He explained that his intention in approaching the Council and discussing the complaints about the applicant with the Licensing Enforcement Officer was to suggest that a warning be given to the applicant about his conduct, as a pattern was emerging. He added that unfortunately, this did not happen and the applicant's licence was revoked with immediate effect, which he considered to be unduly harsh. He commented that the evidence did sound bad if you only heard one side of it, and he often heard both. He added that passengers could sometimes be drunk and their recollections were consequently not always accurate. He referred to one particular sexual allegation made against another driver which highlighted the vulnerable position that drivers were also in. He stated that he had known the applicant for 5 or 6 years and he was a nice man who was very obliging from a work perspective. He advised that the office received approximately 8 complaints each week and in most cases it could not be proven who was at fault. He felt that it was not the way forward for a man who has a clean CRB to lose his licence over such allegations. He added that to refer to the applicant as a sexual predator was inflammatory language, when in fact he has not been convicted of anything.

Councillor P Hyde asked Mr D Underwood if in his opinion, the applicant lost his temper easily.

Mr D Underwood responded that he had only ever seen the applicant in a relaxed environment, so he could only say that he was pleasant. He added that towards the end of his licence, there was evidence however that would suggest that at the end of a long shift, the applicant may have been overzealous in pursuing customers who refused to pay their fare. He added that the applicant was not alone in this behaviour. In answer to Councillor P Hyde's question, he concluded that the applicant did not normally lose his temper easily, and some people had specifically requested him.

Chairman's initials

The applicant and the Licensing Team Leader gave brief closing speeches reiterating points made earlier in the hearing.

At 7.42pm the Sub Committee adjourned to consider its decision. The meeting reconvened at 8.15pm.

RESOLVED THAT:

The application for a hackney carriage driver's licence be refused.

The applicant was advised of his right of appeal.

It was decided that any further decisions regarding the applicant be reserved to the Members of the Sub Committee.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.30 pm

Chairman's signature