

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Offices, Coalville on TUESDAY, 28 JULY 2015

Present: Councillors G A Allman, T Eynon and K Merrie MBE

Officers: Mr P Dennis, Mrs C Hammond and Mrs A Lowe

1 ELECTION OF CHAIRMAN

It was moved by Councillor T Eynon, seconded by Councillor K Merrie and

RESOLVED THAT:

Councillor G A Allman take the chair for the remainder of the meeting.

2 APOLOGIES FOR ABSENCE

No apologies for absence were received.

3 DECLARATIONS OF INTEREST

Councillor T Eynon declared a disclosable non-pecuniary interest in item 10 – Application for a Hackney Carriage Driver's Licence, as an acquaintance of one of the complainants, however they had never discussed the matter.

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.

5 APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Enforcement Officer presented the report which asked Members to determine whether the hackney carriage driver's licence should be granted.

Following questions from Members, the Licensing Enforcement Officer advised that:-

- The applicant had not attended the one to one training, however it was not compulsory, but he could attend at a later date if he wished to.
- The authority advised the applicant on which course to attend.
- He was unaware if any other driver had ever received that number of complaints.
- As there had been a number of different officers over the period he was unable to advise why the applicant had not had his licence reviewed earlier.
- There was no evidence that the courses that had been attended were beneficial.
- CCTV could be used in the car to provide evidence of any incidents that could take place however there would be no sound.
- The authority was not aware that the applicant had applied for a licence with any other authority.

The applicant had no questions for the Licensing Officer.

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The applicant presented his case. He stated that he had held a licence for five years and that he had completed over twenty thousand jobs during that time. He advised Members that he had discussed any overcharging complaints with Mr Underwood at the time and he was satisfied that he had not overcharged and added that when the customers had complained about the fares he had stood up for himself as it was his living. He informed Members that he had attended the training as requested, tried to better himself and re-applied as he thought that was all he needed to do, although he understood that it would need to come back to committee. He highlighted that he had worked in a local hotel as a night porter for five years prior to applying for the first time and had never had any complaints made against him, that his driving licence was clean and that he would do whatever it took, including future training and advice, to look after his family.

In response to questions from Councillor T Eynon about two of the more serious complaints the applicant explained what had transpired in the incidents in his view and then stated to the Committee that in the future he would consider having CCTV installed in the car and that if any customer was to challenge the fare he would let it go rather than standing up for the money he was owed.

In response to questions from Councillor K Merrie the applicant advised the Committee that he had only found out a couple of days previously about the one to one and on-line training as he had been given the impression that once he had attended the course and had received the certificate he had done all he had needed to do.

The applicant answered questions from Councillor G A Allman about the difference between private hire and hackney carriage licences, and the rules on waiting times. The Licensing Enforcement Officer confirmed that he had provided the correct responses.

In response to questions from Members, the applicant advised of his current employment and living arrangements, and stated that he had only applied for a licence in North West Leicestershire as he had lived in Ashby for eleven years and had family and friends in the area.

In response to questions from the Licensing Enforcement Officer, the applicant advised that as he had been out of work for fourteen months he was willing to do anything to improve his life and that for a slight price difference he would let any challenge go.

Mr D Underwood, witness in support of the applicant, addressed the meeting. He stated that he knew of two drivers that used CCTV in their cars and that one of them was a driver that had held a licence for twenty eight years and was on his final warning. That driver had not had a complaint made against him in two years. He informed Members that after speaking to the applicant about the complaints he referred him to the Council as that could be a sobering thought to many drivers. He highlighted that the applicant was a nice guy, who was hardworking and had no criminal convictions. He advised Members that he had several drivers that worked for him that lived outside the district, but they found that they could earn better money around Coalville than anywhere else.

In response to questions from Councillor K Merrie, Mr D Underwood advised that his company followed through every complaint that was received, that there had never been a significant number of complaints in the past that had warranted further action and that the number of complaints that the applicant had received was above average which was why he had referred the driver to the Council, however it was never his intention to have the applicant's licence revoked.

In response to questions from Councillor T Eynon, Mr D Underwood stated that when a complaint was received, it was discussed with the driver, but as there is often two versions what actually happened could become distorted. He advised that night time work could often lead to drivers being put in a difficult position and that the applicant would possibly

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be better as a private hire driver. He then gave Members his feelings on the serious complaints.

In response to questions from Members about how private hire would better suit the applicant, Mr D Underwood stated that the driver's hours would be restricted therefore he would be less tired and would be able to think more clearly. He advised Members that the applicant had previously worked on a fixed rate, which allowed him to earn more from his jobs.

The Licensing Enforcement Officer advised the Committee that in the brief period that he had been in the job he had received complaints that appeared to be one word against another, but there was a good idea of who was telling the truth, but the applicant had received thirty complaints that equalled one for every two months that he had held a licence for. He added that complaints would not be received if mistakes were not made and that he would like to assure the applicant that should his attitude and behaviour not improve, then his badge would be removed if his application was successful.

The applicant promised the committee that he would try his hardest to do his best if the licence was granted and stated that if he did wrong he accepted that he would lose the licence. He urged the Members to let him try again.

At 7.55pm the Sub Committee adjourned to consider its decision. The meeting reconvened at 8.24pm.

Councillor G A Allman advised the applicant that his application had been refused, however suggested that he may wish to consider applying for a private hire licence which, he advised would be considered at a hearing, and completing the additional training that was being offered. He added that should the applicant prove himself with the private hire licence it might assist if he later decided to apply for a hackney carriage licence.

RESOLVED THAT:

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

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.25 pm

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