

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Offices, Coalville on MONDAY, 5 OCTOBER 2015

Present: Councillors N Clarke, J Cotterill and D Everitt

Officers: Mr P Dennis, Mr D Gill, Mr L Mansfield and Mrs R Wallace

## **1 ELECTION OF CHAIRMAN**

It was moved by Councillor N Clarke, seconded by Councillor D Everitt and

RESOLVED THAT:

Councillor J Cotterill 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 declarations of interest.

## **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 PRIVATE HIRE DRIVER'S LICENCE**

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

In response to a question from Councillor N Clarke, the Licensing Enforcement Officer advised that he was satisfied that the courses undertaken by the applicant were appropriate and the providers were reputable.

The applicant had no questions for the Licensing Enforcement Officer.

The applicant presented his case and informed Members that Mr D Underwood, his previous employer, was present in support of the application. He stated that he had previously held a licence since 2009 and before the complaints were made in 2014, he had received no complaints. Regarding the majority of complaints which related to overcharging, the applicant stated that customers did not understand how the charging system worked and only a few metres could lead to a slight change in fare in comparison to a previous journey. He stated that the complaints were about very small amounts of money, for example twenty pence, and this price difference was not unusual. He believed he had been treated unfairly as complaints were made dependent on people's moods at the time. He informed Members that a lot of the complaints had been misunderstandings and once he had explained the circumstances with officers, they seemed to sympathise.

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He explained that he had undertaken training as Members had previously advised which had improved his customer service and anger management skills. He now understood that he was in need of customer service training before and he believed that he was now a better person. He apologised for his previous actions and stressed that he loved his job as a taxi driver.

He stressed that he had a clean drivers licence and had no criminal record. He was willing to undertake more training if necessary as he would like to continue to improve and he asked Members to give him a chance to prove that he was worthy of a private hire driver's licence.

In response to questions from Councillor D Everitt, the applicant explained that he currently worked as a waiter at a restaurant in Birmingham. He informed Members that he enjoyed the flexible working hours of taxi driving and as he was planning to return to university, it would be more suitable as he could work during the day. He added that he was not earning much money at his current employment and would like the licence so he could better support his family.

Councillor D Everitt stated that the complaints were varied but consistent which caused him concern. He added that he understood it could sometimes be difficult when dealing with customers but he asked the applicant why he did not learn from the first few complaints by changing his behaviour sooner. The applicant stated that he did not believe he was at fault with the initial complaints and once he had explained the circumstances, his employer was also in agreement, therefore no action was taken. He informed Members that he mostly worked in the evenings previously, which meant that drunken people would often exaggerate the situation. He stated that he was aware of how to deal with these kinds of customers now he had been trained. He also added that he had many good comments and feedback over the years but there was no record of this.

In response to a further question from Councillor D Everitt, the applicant explained that he had apologised to customers in the past and he now understood that the customer was always right. He believed that if he was granted the licence, Members would not receive any more complaints as he was a much better person than he used to be.

Councillor N Clarke raised his concerns regarding the type of complaints received and that the applicant did not seem remorseful in any way. He asked the applicant if he could give Members an example of how his behaviour had improved since he had received the training. The applicant explained that he could now keep his emotions under control and remain calm in a stressful situation, plus when up against conflict to not argue. He claimed to understand that it was his job and he needed to treat the customers with respect without aggravating the situation. Councillor N Clarke went on to ask the applicant how he had learnt to deal with customers with a disability as that was the nature of some of the complaints. The applicant insisted that although the complaints were made by disabled customers, they were about the fare charged and not how the customers were treated. He explained that he had received further training regarding assisting customers with disabilities but had never received any complaints of this nature in the past and often had requests for him due to his good service.

Mr D Underwood, in support of the application, addressed the meeting. He commented that by looking at the information within the report, he understood that the Members were in a difficult position when making a decision but he had known the applicant for six years and he believed he was a very nice man whom he would trust his family with. He commented that in 2014 he believed the applicant had a loss of focus regarding his job which was obvious by the level of complaints received but he felt that it was not out of proportion as other drivers had received more. He felt that issuing a private hire driver's licence would work for the applicant as he would be monitored which would ease Member concerns. He also commented that the applicant had requested to work in the daytime

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rather than in the evening which would mean less opportunity to come across drunken customers. Mr D Underwood concluded that the applicant was a good person who had gone to great lengths to improve his behaviour and outlook in life, and apart from the few months in 2014 when the complaints were received, had a very good working record.

In response to questions from the Legal Advisor, Mr D Underwood stated the following:

- He accepted that the fit and proper person test to grant a private hire driver's licence was the same for a hackney carriage driver's licence, and although the applicant had previously been refused a hackney carriage driver's licence, he believed a private hire driver's licence would be more suitable due to monitoring purposes. He also added that a CCTV camera could be fitted into the taxi if required.
- He accepted that the Sub Committee could not put restrictions on the nature of customers that the applicant could pick up and explained that jobs during the daytime differed a lot to the evening as it was mainly school runs which included children with special educational needs, family runs, airport and train station runs, and elderly people runs such as supermarkets and medical appointments. He added that 80 percent of daytime work was contracted.
- He accepted that daytime work would put the applicant in contact with vulnerable people and young females, which related to some of the complaints, but he felt he could trust the applicant and would have no concerns as he had taken on these jobs in the past. He stressed that his knowledge of the applicant was not as he had been portrayed within the report.
- The Sub Committee had been told a lot about the training undertaken and although the applicant had not given an example of how he had put it into practice, Mr D Underwood assumed that he would be dealing with customers in his current employment and would have to be driving to prove that he had improved.

In response to questions from the Legal Advisor in relation to putting his training into practice, the applicant confirmed that he worked evenings, he did come across agitated people under the influence of alcohol and he believed his training had helped. After further prompting from the Legal Advisor, the applicant gave an example of a situation at his current employment in which he had used his training skills.

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

The applicant gave a brief closing statement. He promised that he was a much improved person and asked Members to give him a chance by granting him a private hire driver's licence.

At 7.35pm the Sub Committee adjourned to consider its decision. The meeting reconvened at 8.07pm.

Councillor J Cotterill advised the applicant that his application had been refused. The Legal Advisor explained that the Members were still not satisfied that the applicant was a fit and proper person to hold a licence and asked him to think carefully before applying again as he now had three applications refused. The applicant was advised to consider

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what he could bring to Members to prove that he had changed his behaviour and how he had put his training into practice.

RESOLVED THAT:

The application for a private hire driver's licence be refused.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.17 pm