

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 30 MAY 2018

Present: Councillors J Clarke, S Sheahan and M Specht

Officers: Mr P Dennis and Mrs R Wallace

In attendance: The applicant and his representative Miss T Starkey.

**1 ELECTION OF CHAIRMAN**

It was moved by Councillor J Clarke, seconded by Councillor S Sheahan and

RESOLVED THAT:

Councillor M Specht take the chair for the remainder of the meeting.

**2 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**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 THE RENEWAL OF A DUAL DRIVER'S LICENCE**

The Licensing Enforcement Officer presented the report which asked Members to determine whether the application for the renewal of a dual driver's licence should be granted.

There were no questions for the Licensing Officer from the applicant.

In response to questions from Councillor J Clarke, the Licensing Enforcement Officer reported that it was unusual for a driver to have four warning letters on their file, those that did, had been a licensed driver for a considerable period of time.

At the request of Councillor S Sheahan, the Licensing Enforcement Officer explained that there was not a set protocol regarding the issue of warnings, it was operated under officer discretion and warning letters were kept on the driver's file indefinitely. He added that it was a combination of the number and nature of the warnings which led him to recommend a hearing to consider the application in this case. Councillor S Sheahan questioned why so many warning letters were issued before any action was taken. The Licensing Enforcement Officer explained that in many cases it was the complainants word against the driver's and therefore it was the responsibility of the officers to use their judgement as to the appropriate action to take. Councillor S Sheahan suggested that the more letters a

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driver received, the less importance they held. The Licensing Officer agreed for this case as the warning letters were not effective.

Miss T Starkey, representing the applicant, addressed the meeting and made the following points:

Regarding the complaint of overcharging fares, she stated that as a taxi driver herself she could sympathise with the applicant as it was easy to press the wrong button to restart the meter, but she stressed that this did not happen while he was employed by herself.

Regarding the complaint of U-turns on Market Street in Ashby, she was aware that many drivers did that due to the lack of spaces available at the taxi rank. She believed that the issue with the taxi rank needed to be addressed. She also confirmed that none of the A1 Taxi drivers performed U-turns on Market Street.

Regarding the applicant smoking in his vehicle, she assured Members that he had listened to the warning and was no longer smoking in his vehicle, even though it was his personal vehicle as well as a taxi.

Regarding the lack of smoking signs during the ad hoc inspection, she reported that the signs were renowned for falling off, especially when attached to the vehicles dashboard, it was easy to forget to pick up a replacement.

Regarding the metal bar discovered in the boot of the vehicle during the ad hoc inspection, she reported that after having discussion with the applicant it was clear that the bar was actually a hollow tube which formed part of the frame of a trampoline. He insisted that the bar was a broken part of the trampoline which he was taking to Tool Station to replace and was placed there by his wife. Miss T Starkey did not believe it was in the car for protection as it was not accessible if required. She believed that officers were not too concerned about the metal bar as they left it in the vehicle and although the applicant's badge was taken from him at the time, it was returned to him by officers within a few hours.

Regarding the complaints about the school runs, she admitted that there were currently a number of issues with that particular job due to new seating arrangements as a result of new children being collected. She confirmed that the applicant had admitted to reading a written note as shown in the photographs but the vehicle was stationary while the children were putting their bags into the boot. Miss T Starkey felt that the applicant was a safe driver and has trusted him to drive her children in the past. She also reported that the applicant carried out other school runs with no complaints.

Miss T Starkey concluded that she often had specific requests for the applicant as he was very polite and good with the customers. As his employer, she had no issues with the applicant and believed he was a fit and proper person to hold a licence.

At 6.58pm the chairman adjourned the meeting briefly for a comfort break and re-convened at 7.02pm.

The Licensing Enforcement Officer asked the applicant how he justified urinating on a customer's driveway in front of the children in his taxi. The applicant explained that he had urinated on the field not a driveway and the children would not have been able to see him. He added that he had been working for three hours and could not wait to get to a toilet. The applicant stated that he had been a taxi driver for ten years and that he respected all people. He admitted to making a number of mistakes during this time but apologised and assured Members he would not repeat those mistakes. The Licensing Enforcement Officer reiterated his point and commented that he must have been seen urinating as it had been reported. The applicant was positive that he was not visible to the

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children, he therefore believed someone must have been in the field. The applicant also added that he knew he could not receive any more complaints and that he needed one last chance.

The Licensing Enforcement Officer asked the applicant why he ignored the warnings regarding smoking in his vehicle and performing U-turns on Market Street in Ashby. The applicant assured Members that he had not done those things since the warnings had been issued and any complaint must have been incorrect.

The Licensing Enforcement Officer asked why the applicant had changed his explanation regarding the metal bar in his boot, as at the time of the ad hoc inspection his reasoning was that his children had put it in the vehicle without his knowledge. He also asked if the applicant understood the concerns as he had told them he had been recently assaulted and then was found carrying a metal bar. The applicant assured Members that he did not get into fights and would not use the metal bar in that way. He explained that he had recently been assaulted by a drunk person in Ibstock which had resulted in a broken nose, at no point did he fight back, only returned back to the office to report the incident. He added that when he was working after midnight he had many drunk customers and this was the reason he kept his doors locked and often refused jobs if the customers were too intoxicated.

In response to a final question from the Licensing Enforcement Officer, the applicant denied continuing smoking in his vehicle as he no longer smoked at all.

In response to a question from Councillor S Sheahan, Miss T Starkey confirmed that she was aware of the applicant's diabetes and understood the difficulty of driving when needing to go to the toilet. In her opinion, the children in the car would have known that the applicant was urinating but would not have seen anything.

In response to a question from Councillor J Clarke, the applicant confirmed that he had type 2 diabetes which was controlled by medication in tablet form.

Councillor J Clarke commented that he found it difficult to understand how the applicant could turn the meter off accidentally half way through a journey and then charge his own fare. The applicant explained that he did not overcharge as the journey would have been £12 before midnight but as it was after midnight it would have been £16, which was what he charged.

Following a question from Councillor J Clarke in relation to the refusal of local jobs, the applicant reiterated his earlier comments regarding drunken customers and explained this was the only time he would refuse a job. Miss T Starkey agreed with the applicant and stressed that it was the right decision to refuse a customer if the driver felt unsafe.

At the request of Councillor S Sheahan, the applicant confirmed that during the ad hoc inspection when the metal bar was found in his vehicle, he had informed the officers of the recent assault as an example that he did not like to fight and therefore did not have the metal bar in the vehicle for that purpose.

In response to questions from Councillor J Clarke, the applicant confirmed that he had his eyes tested every year.

In response to a number of questions from Councillor M Specht, the applicant stated the following:

He had reported the recent assault in Ibstock to police but they were not called out to the scene of the incident.

He had not received medical attention for his broken nose.

He had purchased the replacement part for the trampoline as promised and obtained a receipt.

The driveway he had urinated on was actually a dirt track leading up to a number of properties and was therefore not a typical driveway as Members were visualising. Miss T Starkey confirmed that this was the case.

He reiterated that he no longer performed U-turns on Market Street in Ashby. He also confirmed that he understood how to use the taxi rank.

He confirmed that he had now stopped smoking completely.

In response to a question from Councillor J Clarke, the applicant stated that he had regular health checks due to his diabetes and the doctor had confirmed that he did not need to report the diabetes to the DVLA. He added that the Licensing Enforcement Officer had his full medical report on file.

The Licensing Enforcement Officer gave a brief closing statement reiterating points previously made during the hearing.

Miss T Starkey, on behalf of the applicant, gave a brief closing statement reiterating points previously made during the hearing.

At 7.35pm the Sub Committee adjourned to consider its decision. The meeting reconvened at 7.55pm.

Councillor S Sheahan advised the Licensing Enforcement Officer to consider setting up a formal process regarding the issue of warnings and to perhaps include expiration dates.

RESOLVED THAT:

The application for the renewal of a dual driver's licence be granted for a 12 month period with a final warning as to future conduct.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.58 pm

Chairman's signature