

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Offices, Coalville on THURSDAY, 24 JANUARY 2019

Present: Councillors J Clarke, S Sheahan and M Specht

Officers: Mrs L Arnold, Mr P Dennis and Mrs R Wallace

The licenced driver was in attendance.

**1 ELECTION OF CHAIRMAN**

It was moved by Councillor M Specht, seconded by Councillor J Clarke and

RESOLVED THAT:

Councillor S Sheahan to 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 CONSIDERATION OF A DUAL HIRE DRIVER'S LICENCE**

The Licensing Enforcement Officer presented the report, which asked Members to consider a dual hire drivers licence. Further to the report and by way of update, it was confirmed that the licensed driver had now paid the 'failure to attend' fee outstanding from July 2018. After failing a depot test in January 2019 the Licensing Enforcement Officer had suspended his licence for a short time. Following the suspension, the Licensing Enforcement Officer attempted to contact the licensed driver a number of times by telephone and letter, and when he finally presented his vehicle for the depot test, he was 30 minutes late for the appointment.

Councillor M Specht asked why the licensed driver was required to present his vehicle for a retest in July 2018, and if the depot test was similar to an MOT test. The Licensing Enforcement Officer explained that the licensed driver would have failed the initial depot test and would have been required to address the problem before bringing the vehicle back in for a retest. He also explained that the depot test was more detailed than an MOT test.

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In response to a further question from Councillor M Specht, the Licensing Enforcement Officer stated that the garage could take away the vehicles plates in the event of a major fail and the licence would remain suspended until a successful depot test had been carried out. He also confirmed that the licensed driver passed the retest.

As it was an offence, Councillor J Clarke asked what could be done if it was true that the driver had refused to pick up a disabled passenger. The Licensing Enforcement Officer reported that the licensed driver could be prosecuted.

Councillor S Sheahan referred to the warning letters mentioned within paragraph 2.5 of the report and asked what the licensed driver had been warned about. The Licensing Enforcement Officer explained that the licensed driver had been sent letters regarding his breach of council conditions in relation to not informing Licensing about points received for exceeding statutory speed limit on a public road, as well as his failure to attend the depot test.

In response to a question from Councillor M Specht, the Licensing Enforcement Officer explained that the unreported points became known during the checks undertaken as part of the yearly licence renewal process. In response to a further question, it was confirmed that yearly checks were also undertaken for insurance documents.

In response to Councillor S Sheahan's request for more information regarding the failed depot test, the Licensing Enforcement Officer explained that due to the licensed driver's vehicle being over six years old, a depot test was required. The licensed driver had missed three appointments before he eventually attended and passed the depot test, his dual hire licence had been suspended until that point.

The Legal Advisor asked for clarity on the nature of the failed depot test in July 2018. The Licensing Enforcement Officer did not have the details but assumed it was a major fail as that required a new appointment for a retest, whereas minor fails were dealt with under a 'drop in' basis for a recheck.

The Licensed Driver addressed the meeting. In relation to the complaint detailed at appendix 1 and 2 of the report, he explained that he had cleared a job at the public house where the passengers were waiting but he did not pick them up because the job had not been allocated to him. The job he had cleared was his final one as he was going home and this was what he had told the passengers that were waiting. He referred Members to the log at appendix 6 of the report, which clearly showed that the job was allocated to another driver before it was transferred to him while he was at the rank prior to going home. He further advised that only by accepting an allocated job could it then be cleared from his job list and re-allocated to another driver.

In relation to the complaints of body odour, the licensed driver explained that he had a medical problem with his ear that sometimes caused an unpleasant smell, however he was currently on a waiting list for an operation to remedy the problem.

Regarding the missed depot tests, he explained that during the Christmas period he was working night shifts at a warehouse, which made it difficult to attend the morning appointments. He had explained this to officers but had not been offered an alternative appointment.

Overall, he believed that the office staff at the taxi firm had a personal issue with him, which had worsened since he had informed them of his intention to leave and begin working for another local taxi firm.

In response to a question from Councillor M Specht, the licenced driver denied refusing the job. As far as he was concerned, the job had been allocated to another car and he

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had given the office notice that he was going home half an hour prior. Councillor M Specht asked if he was accusing the staff at the taxi firm of telling lies. The licensed driver answered that he was.

Councillor J Clarke asked the licensed driver why he had not reported the points on his licence to the Council. The licensed driver believed that he had already reported it but he had obviously forgotten. He explained that he had reported it on his licence renewal form and was not trying to hide it.

Councillor J Clarke commented that the taxi log did not detail the completion of the previous job, which completed at the public house. The licensed driver reiterated that once he had dropped off his passengers he told those waiting that a taxi was on its way. It was not until he had returned to the rank that the job was allocated to him but as he was going home, it was taken from him and allocated to another car at his request.

Councillor J Clarke referred the licensed driver to the complaint made against him claiming that he was rude to the customer service staff at the Council Offices and asked him to explain. The licensed driver stated that he was in the council offices to pay the 'failure to attend' fee and was shocked when he was accused of being rude to staff, as he was unaware of it. He had asked the Licensing Team Leader to investigate, as he did not believe that he had been rude.

In response to a question from Councillor M Specht, the licensed driver stated that council officers might have issues with him too as they expected him to attend appointments that they knew he would struggle to make, plus each time he came in, there was something else brought against him.

In response to a question from Councillor M Specht, the licensed driver confirmed that in his opinion, he conducted himself in a professional manner at all times. On request, he went on to explain how he would interact with an elderly passenger when collecting from a supermarket.

In response to a question from Councillor S Sheahan, the licensed driver commented that he felt the office staff at the taxi rank were targeting him because they were not giving him jobs and refusing to talk to him about it when he made complaints.

In response to a question from Councillor S Sheahan regarding the witness statement at appendix 5 of the report, the licensed driver stated that the member of staff in question required training, as she did not know how to use the system. It was his opinion that she had made the mistake by allocating the job to him and was covering it up by passing the blame.

At 3.26pm, the meeting was adjourned for a comfort break and was reconvened at 3.31pm.

In response to a question from Councillor M Specht the Licensing Enforcement Officer confirmed that apart from the ones included within the agenda, there were no other complaints regarding the licensed driver.

The Licensing Enforcement Officer asked why the licensed driver's employer had sent a text message to the passengers apologising for his behaviour if he had not been allocated the job and refused it. The licensed driver felt it had been done on purpose, as they were 'all against him'.

The Licensing Enforcement Officer questioned why the licensed driver's previous drop off was not included on the log. The licensed driver was adamant that it was on the log as he could see it on his PDA system in the vehicle; he believed it had been taken off on purpose.

Regarding the missed depot tests, the Licensing Enforcement Officer stated that the tests were only carried out in the morning, therefore it was not possible to arrange afternoon appointments. He added that the licensed driver was not working night shifts at the time of the missed appointments.

The Licensing Enforcement Officer stated that the licensed driver's employer had confirmed that he had not resigned as claimed, but was dismissed after the receipt of the complaint as detailed within the report. The licensed driver denied the statement and strongly felt that the accusations were being fabricated by his employer, especially as he continued to work after the complaint was received.

The Chairman was concerned that new information was being submitted and asked for advice from the Legal Advisor. After it was clarified that the information was received after the report was printed, the Legal Advisor was happy that the information be considered.

The Licensing Enforcement Officer gave a brief closing statement and reported that he did not receive any confirmation from the licensed driver that he would be attending the meeting, even though numerous attempts had been made to contact him and give him the opportunity to submit supporting information.

The licensed driver gave a brief closing statement and reported that he had informed officers of his attendance on a number of occasions both on the telephone and in person.

For clarity, the Licensing Enforcement Officer stated that none of the officers knew the licensed driver was attending the meeting until his phone call earlier in the day.

At 3.48pm the Sub Committee adjourned to consider its decision. The meeting reconvened at 4.19pm.

RESOLVED THAT:

A strict warning be issued as to the future conduct in respect of:-

- a) Time keeping (ensuring attendance at appointments/tests etc on the date arranged and at the correct time)
- b) Prompt payment of fees
- c) Appropriate and timely communication with Licensing and NWLDC staff

The meeting commenced at 2.30 pm

The Chairman closed the meeting at 4.30 pm

Chairman's signature