

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Boardroom, Council Offices, Coalville on TUESDAY, 28 JANUARY 2020

Councillors E G C Allman, J Clarke and M D Hay

Officers: Mr T Delaney, Mr P Dennis and Mrs M Long

In attendance: The licensed driver and a former colleague.

16 ELECTION OF CHAIRMAN

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

RESOLVED THAT:

Councillor E Allman take the chair for the remainder of the meeting.

17 APOLOGIES FOR ABSENCE

There were no apologies for absence

18 DECLARATIONS OF INTEREST

There were no declarations of interests

19 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.

20 CONSIDERATION OF A DUAL HIRE DRIVERS LICENCE

The Chairman introduced the parties and outlined the procedure to be followed.

The Licensing Enforcement Officer presented the report, which asked members to consider the conduct of a Dual Hackney Carriage and Private Hire Driver.

In response to questions from Councillor J Clarke, the Licensing Enforcement Officer stated that in his interactions with the licensed driver he had not seen any cause for concern with regard to his attitude and behaviour. The Licensing Enforcement Officer also observed that in the seven years he had worked in Licensing he had not known any other driver to have eighteen points against their license.

In response to a question from Councillor M Hay regarding the gaps between times of offences and their subsequent reporting to the Council, the Licensing Enforcement Officer observed that often drivers were not immediately aware of convictions and he felt the licensed driver had always informed the relevant authorities within seven days.

The Legal Advisor sought clarification regarding the licensed driver's disqualification from driving in 2016 as detailed in the report, and how the application for a Dual driver's badge was granted on 6 December 2016. The Licensing Enforcement Officer explained that as

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the disqualification had expired in October 2016, the licensed driver was able to apply again and the Licensing Team Leader granted the application for a Dual Badge.

In response to a question from Councillor E Allman, the Licensing Enforcement Officer outlined the responses taken in regard to the complaint of road rage on 19 February 2018.

The Licensing Enforcement Officer explained that he had spoken to the complainant and they were quite upset, visibly scared and intimidated. He had also spoken to the licensed driver who protested his innocence on the matter. As it came down to one word against another no further action was taken other than that outlined in the report.

The Licensing Enforcement Officer also stated that he had never received a complaint of road rage regarding the licensed driver before or after this complaint, and in all their interactions, he had never seen him show any anger.

In response to a question from Councillor E Allman, the Licensing Enforcement Officer also explained that with regard to the complaint of overcharging on 8 August 2018 the licensed driver was following the instruction of the private hire operator to charge that amount therefore he did not believe he could be held responsible.

In response to a question from Councillor J Clarke, the Licensing Enforcement Officer stated that he was not aware of the exact speeds the licensed driver was travelling when incurring several of the SP30 endorsements.

The licensed driver was invited to address the meeting. He began by admitting that his standard of driving after being granted a license in 2012 was not what it should have been as demonstrated by the six points on his licence in his first year. He stated that he believed his behaviour had dramatically improved since and when endorsed with SP30s was driving less than 10mph over the legal speed limit.

The licensed driver then began to explain his situation with regard to the BBC show Caught Red Handed as detailed in the Additional Papers. In response to an interjection from Councillor E Allman, the licensed driver stated that he believed the situation to be relevant to the meeting and his speeding offences.

The licensed driver stated that Councillors were welcome to join him on a Friday or Saturday night to observe what he goes through. On an occasion he was working when he began to be followed by a Volkswagen their beams at him for some time and distance, at this point he was caught by a speed camera travelling at 47mph in a 40pmh zone, leading to one of the SP30 offences.

The licensed driver also outlined that he had complained to the BBC, the Council, Ofcom and the Police regarding the show Caught Red Handed and had only had an adequate response from his MP regarding the matter. Furthermore, that there had been differing responses from Police officers regarding the exact nature of his complaints.

In response to a second interjection from Councillor E Allman, the licensed driver stated that he believed this to be relevant to the meeting as the show Caught Red Handed had led to him being harassed on several occasions directly contributing to several of his offences due to being distracted from road signs. He reinforced that he had not received satisfactory responses in any of his complaints apart from to his MP, including several to North West Leicestershire District Council.

The licensed driver also stated he had not had an accident in the last five years and in that time his driving had improved. He was more careful and more considerate. In several cases, his speeding offences had resulted from trying to deliver customers in a hurry rather than deliberate violation of speed limits.

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In response to a question from Councillor M Hay, the licensed driver's former colleague explained that she was his manager at A1 Taxis at the time of the complaint regarding use of cannabis on 1 August 2015. She stated that the customer in this complaint had often complained about a variety of issues and that the answer they had received from A1 Taxis was not the same response as they stated in Appendix 6 of the Licensing Enforcement Officer's report. As manager she had called in the licensed driver and on inspection; his car did smell slightly of cannabis. She observed that if she had been in the situation the customer described of a clear presence of cannabis smoke; then she personally would not have got into the taxi and doubted the customer would have and the customer never answered that point satisfactorily.

The licensed driver's former colleague, also stated that on inspection of their records, the licensed driver's customer prior to the complainant was a known drug user. In response to questions from the Legal Advisor and Councillor E Allman, the licensed driver and his former colleague confirmed they believed this was the reason for smell of cannabis leading to the complaint. They followed up by stating that a bag of cannabis had been found the next day in the licensed driver's vehicle, which was destroyed instantly rather than being handed to the police. The licensed driver's former colleague added that she had not known the licensed driver to smoke cannabis in the seven years they had worked together.

Councillor J Clarke expressed concerns about instances of speeding by the licensed driver when passengers were present in his vehicle. Councillor J Clarke expressed further concerns on safety of pedestrians at night observing that driving slightly over the speed limit could be the difference between life and death in the event of a collision. Councillor J Clarke also acknowledged that road rage is loosely defined and the smallest gestures could be interpreted as such potentially leading to a complaint, and that the smell of cannabis from a prior passenger can linger for a long time in a vehicle.

In response to Councillor Clarke's comments the licence holder stated that there had been an occasion of another driver complaining that he was using cannabis. Following this the licensed driver was followed by the Police before being pulled over and asked to take a breath swab. He stated that this happened five times within a week and on all occasions; the results were 0.0000. He observed that if he had consumed cannabis at any time then one of the swabs would have returned a higher result.

In response to further questions from Councillor J Clarke, the licensed driver acknowledged that for two of his SP30 offences for speeding there were passengers in the car and these were captured by speed camera.

The Legal Advisor reminded the licensed driver that being licensed effectively made a driver an ambassador for North West Leicestershire in the eyes of the public. Furthermore the primary purpose of this licence was to be a driver, therefore coming before the committee with six offences and 18 points on his licence made the decision of the committee a difficult one.

The Legal Advisor also stated that whilst the licensed driver had not had an accident for five years the primary concern of the committee was public safety and seeing an improvement in driving style.

The Legal Advisor stated that she believed the licensed driver to have been lax in some of his answers to questions from Councillors and asked him if he believed he could convince the panel he would be a responsible licensed driver given his history.

In response to the Legal Advisor the licensed driver stated that being a taxi driver was the only job he felt he could do with his back problems and he was the main provider for his

family, including for two children diagnosed with autism. Additionally being a taxi driver allowed him the flexibility to work around childcare needs.

The licensed driver stated that he had learned his lesson with regard to actions at the wheel having not been before a sub-committee for eight years.

The Legal Advisor questioned whether the licensed driver had learned his lesson when his latest offence had been on 16 August 2019. To which he responded that the offence in question had been because of being distracted by a driver beaming at him as previously stated.

In response to a question from Councillor E Allman, the licensed driver stated that if his licence was not revoked and he found himself in a similar situation of feeling harassed by other drivers his aim would be to concentrate and stay within speed limits. He also stated that in general he avoided road rage, had a good demeanour and appearance, and that he was liked by customers who never felt threatened by him or his behaviour. He made reference to several letters written by customers in the Additional Papers.

In response to questions from Councillor M Hay, the licensed driver confirmed his assertion that he had been in possession of cannabis prior to becoming a taxi driver for medicinal purposes relating to his back. He further stated that he had subsequently been to a doctor and prescribed with tramadol and co-codamol for these issues and that these along with a visit to a chiropractor had been the only times his back pain had been alleviated. He then confirmed that he could not drive under tramadol and so had not taken taxi work at these times.

The Chairman then invited the Licensing Enforcement Officer and the licensed driver to make closing statements

The Licensing Enforcement Officer stated to the panel that if the licensed driver retained his badge he would still be required to take a driving assessment due to his recent driving offences.

The licensed driver's former colleague re-stated that in the seven years she had worked with the licensed driver there had not been any issues besides the two complaints in 2015 and the speeding offences which she acknowledged had been a few too many.

At 7.05pm the Sub Committee adjourned to consider its decision. The meeting reconvened at 7.36pm.

RESOLVED THAT:

The decision of the Taxi & Private Hire Sub-Committee (exercising its powers as Licensing Authority) was to allow the DUAL driver's licence to remain with a strict warning as to future conduct.

The chairman urged the license holder to take on board the concerns expressed by the panel during the hearing and stated the panel expected to see an improvement in the license holder's conduct and behaviour going forward.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.40 pm

Chairman's signature