

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Offices, Coalville on TUESDAY, 23 NOVEMBER 2021

Councillors M D Hay, G Houtt and A C Saffell

Officers: Mr P Dennis, Mrs C Hammond, Ms R Haynes and Ms K Woollett

1 ELECTION OF CHAIRMAN

It was moved by Councillor M Hay, seconded by Councillor G Houtt and

RESOLVED THAT:

Councillor A C Saffell 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 interests

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 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.

The report set out the details of a complaint made against the Licensee about a journey undertaken on 15 June 2021. The passenger had alleged that the Licensee had an inappropriate conversation with her in which he made sexual advances which made her feel extremely uncomfortable, so much so that she reported this incident to the Council on 16 June 2021 and provided a signed witness statement. The report also referred to two historical complaints.

The Chairman invited questions from Members. There were none.

Following a question from the Legal Adviser, the Operator of Coalville Yellow Cabs explained that when the complainant called, she requested that the same driver not be despatched to that address in the future and it was agreed that a marker would be placed on the file to this effect, which he says, was done. However, for an inexplicable reason, this marker had been removed which resulted in the driver being despatched to this address for a second time which resulted in a complaint to the Council.

Chairman's initials

The licensed driver was invited to address the meeting. He advised that he had been a taxi driver for more than 13 years and enjoyed his work and treated all his customers with respect and courtesy. He advised that he tried not to engage too much in conversation with his customers but with some passengers, this was unavoidable if he wanted to maintain customer satisfaction. He would never give out his personal details if asked, as it was against company policy. When referring to the complaint, he advised that the complainant referred to her single status and that she was looking for 'fun' and 'friends with benefits' and asked if he would be interested. He advised that he told her he was married and not interested in her proposal. He alleged that she then referred to their conversation having been 'inappropriate' and referred to the fact that she said she 'could be nasty and take things further'.

On the second occasion. The licensed driver admitted that he should have realised his fare was the same person and refused to pick her up. Instead, he was greeted by her swearing at him, so he offered her the opportunity of calling another taxi company. She is alleged to have refused this offer as she needed to get to work but asked him not to speak to her and referred to him as a 'pervert' for not being interested in her previously. She is alleged to have continued swearing at him throughout the journey.

On another occasion, he had been vaping in the smoking area of the pub after work when two women approached him advising that they were lesbians, and they were celebrating one of their birthdays. He wished them a happy birthday and they advised that they were going home to 'be naughty'. After this he alleges that he dropped his vape and as he bent down to pick it up, one of the girls asked if he was going to give her a birthday kiss. He alleged that he advised her he would not and returned to the pub where he engaged in a conversation on his mobile phone.

The Chairman invited questions from Members. There were none.

The Operator of Coalville Yellow Cabs was invited to make a statement. He advised that the licensed driver had, in the last 13 years, carried out over 130,000 cash fares and 5,000 school runs. He continued by stating that when children misbehave, they often make up stories to justify their behaviour and the school run incident was such a case where the licensed driver was cleared of any wrongdoing. The issue in the pub was raised by the duty manager and not the lady in question and he was not in post for very long after this. He asked the Committee to draw its own conclusions as to why this might be the case. In relation to the complaint about the conversations which allegedly took place in the cab, no-one can be entirely sure about what was and was not said except for the two people involved who each gave their own version of events. But he advised that he had known the licensed driver for many years and that he was happily married and that he did not see him as a cause for concern and had full confidence in his abilities to carry out his duties. He asked that the Committee considers this against the backdrop of the number of fares he had taken with no complaint save for those referred to today.

In response to a question from Councillor M Hay, the Operator of Coalville Yellow Cabs advised that had the complainant made an official complaint, then a complaint from would have been completed; and it was not unusual for a passenger to request that they do not have the same driver again. So, he had no reason to believe there was any cause for concern as no complaint was being made and she did not ask for a follow up with a manager.

In response to a question from Councillor G Houlst, it was reported that the marker against the passenger's address was likely to have been overridden by the operator working that morning, rather than being physically removed which would have been difficult to do. The procedures have been tightened up since then to ensure it doesn't happen again.

Chairman's initials

In response to a question from Councillor A C Saffell, the Operator of Coalville Yellow Cabs advised that, having had regard to facts as laid out, he fully supported his driver. If he had any reason to doubt his drivers, he would reprimand or dismiss them.

In answer to a question addressed to the Licensing Enforcement Officer, Councillor Saffell was advised that there were no issues with Coalville Yellow Cabs and that they were very competent.

In his closing speech, the licensed driver gave an example of how he assisted a lady who was unstable on leaving hospital and who subsequently fell upon leaving the cab and the extent to which he helped her. He asked the Committee to consider his character when making the decision on whether or not to revoke his licence.

In his closing speech, the Operator of Coalville Yellow Cabs advised that the licensed driver had worked tirelessly through the Covid pandemic.

At 11.50am the Sub Committee adjourned to consider its decision. The meeting reconvened at 1.20pm.

RESOLVED THAT:

The decision of the Taxi & Private Hire Sub-Committee (exercising its powers as Licensing Authority) was to REVOKE the dual driver's licence in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 for reasons of the licensee not being a fit and proper person.

The Legal Advisor read out the decision statement in full and advised the licence holder that he had a right of appeal to the magistrates' court and any appeal should be lodged within 21 days of being notified of the Committee's decision.

The meeting commenced at 10.30 am

The Chairman closed the meeting at 1.27 pm

Chairman's initials