

MINUTES of a meeting of the TAXI AND PRIVATE HIRE SUB COMMITTEE held in the Council Offices, Coalville on TUESDAY, 15 MARCH 2022

Present: Councillor

Councillors J Hoult, R L Morris and A C Saffell

In Attendance: Councillors

Officers: Ms K Woollett, Ms L Sturgess, Ms R Haynes, Mrs R Wallace, Mr P Dennis and Ms T Cooper

1 ELECTION OF CHAIRMAN

It was moved by Councillor J Hoult, seconded by Councillor T Saffell and

RESOLVED THAT:

Councillor R Morris 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 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. Following the report of the Licensing Officer, neither the panel nor the applicant and his representative had any questions. Councillor R Morris asked the licensed driver to confirm that he accepted the report, which the licensed driver established he did.

The licensed driver was invited to make his representation, for which his solicitor, Mr Khomar Masud, spoke on his behalf.

Mr Masud argued that the licensed driver was a "fit and proper person", able to provide a public service, he then focused on the complaint of financial gain from a member of the public. Mr Masud asserted that the customer in question was a regular user of A1 taxis who had a good relationship with the licensed driver and had no complaint against him. It was alleged that in May 2020 the customer offered a loan to the licensed driver, who

Chairman's initials

declined it on this occasion, however in May 2021 when the customer reiterated this offer of a loan, the licensed driver accepted. He claimed that this was due to financial pressures caused by the Covid Pandemic and also due to his absence from work due to illness.

The licensed driver felt that the customer and himself had developed a friendship and admitted he visited for coffee once or twice a week and also delivered takeaway food to the customer, which was paid for "out of his own pocket". The licensed driver also admitted to carrying out "odd jobs" for the customer and felt that he had been "helpful" to her. In hindsight, he accepted that he should not have done these things, and declared that given the opportunity, would think harder about the roles and responsibilities of a cab driver.

The licensed driver reiterated that he felt the money was given to him on the basis that it was a loan of the customer's own accord and stated that he always intended to pay this money back in full.

The licensed driver and his representative also wished to highlight that the complaint had not come from the customer, but from the customer's daughter who, it was alleged, came to the driver's place of work and acted in an aggressive manner when she discovered that the money had gone from her mother's account.

A witness statement was read out, detailing the opinion of the witness and alleging that the licensed driver had isolated the customer from her friend. The licensed driver denied this was the case, and instead argued that he had encouraged the customer to make amends following differences she had experienced with her friend.

The daughter of the customer had provided a statement to A1 Cars, stating that her mother was vulnerable, but the licensed driver disputed that she was, and declared that she was able to talk about family and also asserted that being elderly did not automatically equate to being vulnerable. He also claimed to be unaware of the complex mental health issues which the daughter outlined in her statement.

The meeting was adjourned at 11.13am for a comfort break and reconvened at 11.21am.

The licensed driver stated that he wished to speak in his own mitigation and outlined his position, in which he had kept detailed records of the money which had been borrowed in order that he could pay it back in full at a later date. He stated that he had given the customer a gift which he had brought back from Pakistan at her request due to her desire to have something from the country. The licensed driver declared that he had always put the safety of his passengers first and foremost, and outlined an occasion when he had looked after a very drunk passenger, which had caused him to lose earnings due to the time he had lost during the evening.

The licensed driver claimed he had asked friends for loans in order to pay the money back to the customer quickly and declared that he had now paid the money back, in full, and had submitted receipts and paperwork to prove this.

Councillor R Morris asked for clarification with regards to the licensed driver's relationship with A1 Cars and the licensed driver replied that he was a self employed driver. Councillor R Morris also queried how the licensed driver was paid for his fares. The licensed driver confirmed that he paid A1 Cars 12% of the fares he received.

Councillor R Morris asked the licensed driver whether he had begun to repay the loan before the complaint was submitted. The driver replied that he had agreed to pay the money back "before Christmas" but claimed that the customer had told him he didn't have to do so.

In response to a question from Councillor R Morris, the driver confirmed that he had had limited contact with the complainant in the past, although this was mainly very brief.

In response to a further question from Councillor R Morris, the driver stated that during the 6 months in which he had been disqualified from driving, he had spent 3 months in Pakistan and had then earned money by doing "handiwork" or had borrowed money from family. The driver stated that he had no other employable skills aside from driving.

Councillor R Morris enquired whether the driver had intended to fully repay the loan if he had not been asked, or whether the repayment was initiated due to the complaint being made. The driver replied that he felt he had to "finish the matter", even if he had to get a bank loan and was keen to pay the customer back.

In response to a question from Councillor R Morris with regard to how fast he was driving when he received endorsements for speeding, the driver replied that the speed had been recorded as between 35 and 37 mph in a 30 mph zone.

The Licensing Enforcement Officer confirmed that he had no questions for the licensed driver.

The Chair invited all parties to give closing speeches.

The Licensing Enforcement Officer declined the opportunity to give a closing speech as he had nothing further to add to the information already presented.

The licensed driver's representative highlighted that the police had been contacted over the matter of the complaint and had taken no action. It was also reiterated that the complaint had not been made by the customer but by the customer's daughter, and it was further alleged that the customer was not at all aggrieved and did not wish to make a complaint. The driver declared he accepted his conduct would have to be more formal should he continue to operate.

The Sub-Committee retired to determine the application at 11.42am with the applicant and his representative being informed that they may wait or if they wished to leave, that they would be informed of the outcome in due course. They expressed a wish to wait.

The Sub-Committee reconvened at 12.45pm.

The Chairman announced that a decision had been reached. It was

RESOLVED THAT:

The Dual Hackney Carriage and Private Hire Driver's Licence be revoked under S.61 of the Local Government (Miscellaneous Provisions) Act 1976 as the Sub-Committee was of the view the licensed driver was no longer a fit and proper person due to the clear breaches of the Driver Code of Conduct obtained within the Council's Hackney Carriage and Private Hire Licensing 'Fit and Proper' Person Policy.

The meeting commenced at 10.38 am

The Chairman closed the meeting at 12.49 pm

Chairman's initials