

LICENSING AND REGULATORY SUB-COMMITTEE

WEDNESDAY, 31 JULY 2024

Present:

Councillors Gearon, Hayes (Chair) and Sanders

Officers in Attendance:

Licensing Manager

Legal Assistant

107. APOLOGIES

None.

108. DECLARATIONS OF INTEREST (IF ANY)

None.

109. REQUEST FOR HACKNEY CARRIAGE VEHICLE OVER 5 YEARS - VK19 TWE

The Licensing and Regulatory Sub-Committee considered an application for a new Hackney Carriage Vehicle Licence for a Hyundai Ioniq vehicle registration VK19 TWE.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that the vehicle's MOT certificate expires in March 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 30 July 2024. The Applicant was in attendance and answered questions put to them by the Sub-Committee.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the new Hackney Carriage Vehicle Licence as detailed in the report with no additional conditions.

110. REQUEST FOR PRIVATE HIRE VEHICLE EXTENSION FOR FURTHER 12 MONTHS - EXZ 599

On 31 July 2024, the Licensing and Regulatory Sub-Committee was asked to consider an application for a Private Hire Vehicle Licence Extension for a Mercedes Benz vehicle registration EXZ 599.

The Sub-Committee noted the information provided by way of the report. In particular the Sub-Committee noted that in previous years the vehicle had received advisories relating to tyre condition, however the vehicle's current MOT certificate expires in July 2025, with no advisories and that the vehicle passed its annual taxi inspection test on 30 July 2024 with no advisories. The Applicant was unable to be in attendance due to work commitments.

The Sub-Committee were satisfied that the vehicle was in a good and sound condition and that public safety would not be compromised by the granting of the licence sought.

Decision

Accordingly, the Sub-Committee granted the Private Hire Vehicle Licence Extension as detailed in the report with the additional condition of 6 monthly taxi inspection tests to monitor the condition of the vehicle due to its age.

111. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the Press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1,2 and 5 of Part 1 of Schedule 12A of the Act.

112. REVIEW OF HACKNEY CARRIAGE PROPRIETOR LICENCE

The Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of a review of a Hackney Carriage Proprietor's Licence.

The licence holder did not attend the meeting in person nor were they represented. The Licensing Officer had received an email on the morning of the Sub-Committee from the licence holder to say they had retired two weeks previous and were now looking to sell the business. The Licensing Officer had then responded to confirm that all signage on the licensed vehicles should be removed, and the taxi licence plates returned to the Council.

Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Hayes and seconded by Councillor Sanders, and

RESOLVED that the licence holder's Hackney Carriage Proprietor's Licences be revoked with immediate effect under Section 60(1)(c) of the Local Government (Miscellaneous Provisions) Act 1976, and no further licences should be issued by Teignbridge District Council which relate to the driving or operation of hackney carriage and private hire vehicles or being the proprietor to any existing or future vehicles that may be licensed, in order to promote public safety due to the conduct of the licence holder as set out in the Report. The Sub-Committee felt there was reasonable cause to support its view that the licence holder is not a fit and proper person to hold such a Licences.

Reasons for the decision:

Members noted the information set out in the Report relating to the licence holder's conduct over a number of years. The licensing team have received numerous complaints

over the years however the complainants have been reluctant to take these further due to fear of reprisals.

The licence holder had their Hackney Carriage/Private Hire driver licence renewal refused in 2018 which was appealed. The Licensing Authority's decision that the licence holder was not a fit and proper person to hold a driver's licence was subsequently upheld by committee at an appeal hearing.

The Sub-Committee then heard that in 2020 the Police were involved in investigating a complaint against the licence holder relating to harassing behaviour towards a neighbour. The Police also had concerns about the licence holder's general attitude to rules and regulations. The Sub-Committee heard that there had been numerous reports of the licence holder collecting members of the public in unlicensed vehicles and charging for these trips, the most recent being in February 2024.

The Sub-Committee further heard that in May 2023, Teignbridge District Council had successfully prosecuted the licence holder for employing an unlicensed driver. The unlicensed driver employed by the licence holder behaved unacceptably towards young female passengers which resulted in a complaint to the Police.

Applying the test of whether Members of the Sub-Committee would be happy for a person they cared about or a vulnerable person to travel alone in a vehicle with the licence holder, or someone the licence holder had employed, it was concluded that they would not. The Sub-Committee noted its overriding duty to the public, and of the importance of protecting the public and of public safety and considered that, on balance, there was significant cause to show that the licence holder was not a fit and proper person to hold a Licence. The licence holder has repeatedly shown disregard for the rules by picking up fares when they do not hold a driver's taxi licence alongside displaying a serious lack of judgement by employing an unlicensed driver. The Sub-Committee were also very concerned with the number of allegations of aggressive and abusive behaviours that had been received and the length of time over which these had occurred. All behaviours evidenced in the report fell well below that expected of someone responsible for upholding the safety of the general public. The Sub-Committee also felt that the lack of attendance at the committee meeting to provide any explanation to what had been set out in the report, showed a lack of remorse and also that the licence holder did not appear to care there was the potential for the licence to be revoked.

The Sub-Committee therefore considered given the circumstances of this case that it be reasonable and proportionate to revoke the licence holder's Hackney Carriage Proprietors Licences with immediate effect and also felt it had no choice but to refuse any further licences to be held with Teignbridge District Council which related to the driving or operation of hackney carriage and private hire vehicles or being the proprietor to any existing or future vehicles that may be licensed.

113. REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE

The Sub-Committee gave consideration to a report presented by the Licensing Officer (previously circulated) in which determination was sought in respect of a review of a Hackney Carriage Driver's Licence.

The licence holder did not attend the meeting in person nor were they represented. The Licensing Officer had received an email the day before the committee informing the Council that they had retired two weeks previous. The Licensing Officer had then

Licensing and Regulatory Sub-Committee (31.7.2024)

responded to confirm that all signage on the licensed vehicles should be removed, and the taxi licence plates returned to the Council.

Arising from consideration of the report, evidence presented and in accordance with the Council's procedure for hearings, it was moved by Councillor Hayes and seconded by Councillor Sanders, and

RESOLVED that the licence holder's Hackney Carriage Driver's Licence be revoked with immediate effect under Section 61(1)(B) of the Local Government (Miscellaneous Provisions) Act 1976, and no further licences should be issued by Teignbridge District Council which relate to the driving or operation of hackney carriage and private hire vehicles or being the proprietor to any existing or future vehicles that may be licensed, in order to promote public safety due to the conduct of the licence holder as set out in the Report. The Sub-Committee felt there was reasonable cause to support its view that the licence holder is not a fit and proper person to hold such a Licence.

Reasons for the decision:

Members noted the information set out in the Report relating to the licence holder's conduct over a number of years. The licensing team have received numerous complaints over the years however the complainants have been reluctant to take these further due to fear of reprisals. Complaints relate to verbal and physical threats and intimidation. In October 2023, two complaints were received from taxi drivers of verbal personal abuse.

The licence holder has been on Teignbridge District Council's Employee Protection Register since 2018 following threats of violence made towards a staff member during a telephone conversation. Further abusive language directed towards other Teignbridge drivers was also recorded during another telephone conversation in 2018.

The Sub-Committee then heard that in 2018 the Police had stopped the licence holder for driving with no insurance.

In September 2022, the licence holder's husband allowed an unlicensed driver to pick up passengers. This driver made inappropriate comments to underage female passengers and a complaint was made to the police. The licence holder then went against police instruction and visited the complainant's family at their home. The licence holder apologised and said they would not use the driver again, indicating that they were aware an unlicensed driver had been representing the company.

Applying the test of whether Members of the Sub-Committee would be happy for a person they cared about or a vulnerable person to travel alone in a vehicle with the licence holder, it was concluded that they would not. The Sub-Committee noted its overriding duty to the public, and of the importance of protecting the public and of public safety and considered that, on balance, there was significant cause to show that the licence holder was not a fit and proper person to hold a Licence.

The Sub-Committee were very concerned with the number of allegations of aggressive and abusive behaviours that had been received and the length of time over which these had occurred. The Sub-Committee also felt that a serious lack of judgement had been shown by the licence holder when ignoring the Police request not to go to a customer's house. All behaviours evidenced in the report fell well below that expected of someone responsible for upholding the safety of the general public. The Sub-Committee also felt that the lack of attendance at the committee meeting to provide any explanation to what had been set out in the report showed a lack of remorse, and also that the licence holder did not appear to care there was the potential for the licence to be revoked.

Licensing and Regulatory Sub-Committee (31.7.2024)

The Sub-Committee therefore considered given the circumstances of this case that it be reasonable and proportionate to revoke the licence holder's Hackney Carriage Drivers Licence with immediate effect and also felt it had no choice but to refuse any further licences to be held with Teignbridge District Council which related to the driving or operation of hackney carriage and private hire vehicles or being the proprietor to any existing or future vehicles that may be licensed.

Cllr R Hayes
Chair

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