

REGULATORY PANEL

WEDNESDAY 21 JANUARY 2015 AT 2.00PM

PRESENT: Councillor Bell (Chairman), Councillors Betton (from 2.05pm) Bowman, Cape, Ms Franklin, Layden, Morton, Mrs Parsons, Scarborough, Mrs Stevenson, Mrs Warwick and Wilson

OFFICERS: Assistant Solicitor
Licensing Manager
Licensing Officer x2

RP.01/15 APOLOGIES FOR ABSENCE

There were no apologies for absence submitted.

RP.02/15 DECLARATION OF INTEREST

Councillor Wilson declared an interest in accordance with the Council's Code of Conduct in respect of agenda item A.3. His interest was related to that fact he had inadvertently discussed the case with his manager when his manager raised the issue.

RP.03/15 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public.

RP.04/15 MINUTES OF PREVIOUS MEETING

RESOLVED – 1) That the minutes of the meetings held on 8 October 2014 and 12 November 2014 be agreed as a correct record of the meetings and signed by the Chairman.

RP.05/15 AGENDA

RESOLVED – That agenda item A.3 be taken after agenda item A.1

RP.06/15 APPLICATION TO LICENCE A 6 YEAR OLD WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE

Councillor Betton did not take part in the consideration of the following item due to his late arrival.

The Licensing Officer submitted report GD.06/15 regarding an application to licence a 6 year old Hackney Carriage.

Mr A Young, Carlisle Drivers, the applicant, Mr S Davidson, Radio Taxis (Carlisle) Ltd and Mr Kenny, a wheelchair accessible taxi driver were in attendance.

The Assistant Solicitor outlined the procedure the Panel would follow. Mr Young confirmed that he had received and read the Licensing Officer's report. The Assistant

Solicitor advised Mr Young that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer reported that an application had been received from Mr A Young of Carlisle Drivers to licence a 6 year old Peugeot Expert wheelchair accessible vehicle as a Hackney Carriage. Mr Young was the owner of Carlisle Drivers radio circuit which was the largest taxi and private hire operator in Carlisle. He did not own any of the vehicles in his circuit.

In 2007, in consultation with the Taxi Association, the Council amended its taxi policy to stop issuing any more new licences for 'saloon type' taxis but to continue to issue additional licences for wheelchair accessible vehicles (WAVs) and a maximum vehicle age on first licensing of 3 years was also introduced for WAVs

Mr Young's application was attached to the report and the main reasons for his submission were summarised within the report along side the Licensing Office's response. In brief Mr Young felt that there was limited opportunity to purchase second hand WAVs under 3 years old and the decline in the number of licensed WAVs could be a result of the Council's age policy. Mr Young also felt that there was limited options for scrapping or replacing a vehicle and was aggrieved that Carlisle Drivers had not been consulted on the 3 year rule despite being the largest operator in the City.

The Licensing Officer gave an overview of the response to Mr Young's application highlighting the number of second hand WAVs available to purchase under 3 years old and that the decline in the number of WAVs was most likely as a result of older drivers who had retired and older vehicles which had been scrapped. He added that Carlisle had more purpose built WAVs licensed than the total of the rest of the Cumbria Authorities.

The Licensing Officer reminded the Panel that the owners of taxis and the Taxi Association had been consulted on the age limit. Carlisle Drivers had not been consulted as they did not own or license any of the taxis on their circuit and were therefore not directly affected.

Carlisle Taxi Association had been consulted on the application and their views had been appended to the report. They agreed with the retention of the current age policy for new applications but hoped that the Council would have some sympathy with older drivers who needed to renew their vehicle shortly before retirement. The Licensing Officer explained that, as with any policy, there must be some flexibility and an existing driver could go before the Panel to ask them to consider a deviation from the policy if they had a good reason.

Radio Taxis was one of the larger taxi operators in the City and were aware of the application and had requested to attend the Panel for consideration of the matter.

One of the reason's in Mr Young's application for the change was an example of a 65 year old driver who had his vehicle written off in an accident. The driver, Mr Kenney, addressed the Panel. He confirmed that he had to replace his vehicle with a vehicle under three years old according to the Council's policy. He had opted to purchase a new vehicle on a five year hire purchase scheme. Mr Kenney felt that Mr Young's application would flood the City with WAVs and there would be less work for drivers. Mr Kenney was thankful for the policy as his new vehicle made his job a lot easier.

In response to questions the Licensing Officer confirmed that there was scope to have more Private Hire WAVs as there was no legislation that allowed the Council to control the

numbers of vehicles. He stated that there were licensed vehicles over three years old but they had to meet strict criteria to be licensed. He added that each authority set their own policies on the age limit of licensed vehicles. Once a vehicle reached five years old it was mechanically and cosmetically checked three times a year and the checks included ensuring the wheelchair harnesses were fit for purpose.

The Licensing Officer reported that the Licensing Office did not receive many complaints about the lack of available WAVs. If complaints were received it was usually during peak times when WAVs were out on contract work ie school runs. He confirmed that following the deregulation of black cabs the Licensing Office offered an incentive of a 35% reduction in the cost of licences. Since then the age policy had been introduced and the reduction in the licence fee had decreased to 15%.

Mr Young addressed the Panel in support of his application. He stated that his firm had to turn away hundreds of requests a week for WAVs, WAVs were requested for a variety of reasons including disabled passengers, pushchairs and prams and pets that could not use a saloon vehicle. He added that an older vehicle, such as the one he was proposing to licence, would cost less than half the price of a new vehicle. He stated that drivers who had a black cab had a much more physical job and gave an example of how difficult it could be for older drivers. He stated that it was very difficult to purchase a WAV under three years old adding that there was only 12 vehicles available in the previous week nationally and they were all demonstrator models.

Mr Young went on to report a reduction in the number of WAVs in the City which could be due to the Council's Policy. The vehicle he was proposing to licence cost approximately £10,000, had a full service history and all the fixtures required to carry wheelchairs safely. He commented that the Policy had been a result of the Taxi Association and all hackney carriage drivers, including those who had saloon vehicles, had been consulted. He felt that it was unfair that those drivers had a say in a policy that had not affected them. He added that 25% of the 122 drivers that had been consulted had since given up their licences.

The Chairman reminded Mr Young that all Hackney Carriage drivers had to be consulted as it was a policy which affected Hackney Carriages. The Policy has not been a decision of the Taxi Association; consultation had actually requested that the age policy be set at 1 year not 3. He was also informed that the 25% of drivers who had given up their licence had sold or passed on their vehicles and the vehicles were actually still licensed by the Council.

Mr Young highlighted his application which had stated that there had been three options for a driver who wished to scrap his vehicle but the Licensing Officer's report had stated that there was a fourth option. Under the existing policy drivers could purchase and transfer a taxi which was licensed in Carlisle. The larger fleet companies regularly replaced their taxis with newer models. Mr Young felt that this meant that there was no age limit or guarantees on vehicles. The vehicle he wished to licence had one owner and a full service history and would be 5 years old on 1 March. He added that Sheffield had imposed a five year rule on vehicles and Mr Young was asking for seven.

The Licensing Officer clarified the policy for transferring vehicles and reminded the Panel that the vehicles had already been licensed with the Council therefore the vehicles were fully serviced and well known to officers. The Council were bound to this policy through legislation as long as the vehicles remained in good, fit for purpose condition. He added

that the age limit had not been imposed on drivers by the Council but had been as a result of a request and following full consultation.

The Licensing Officer asked Mr Young why, as a Private Hire operator, he wanted to change a hackney carriage policy when he could purchase private hire WAVs to meet the needs of customers.

Mr Young responded that it was normal to have hackney carriage licences in Carlisle adding that the Council should be speaking to customers to explain why they could not get a WAV on request.

The Chairman asked for clarity on the policy for carrying pushchairs and prams. The Licensing Officer reported that the advice given to drivers was not to carry prams or pushchairs with the child inside and depending on the age of the child secure them according to seatbelt legislation. The advice given informed drivers to fold up the pram or pushchair, which may also be accommodated in the boot of a saloon vehicle. This was not legislation but strong advice from the Royal Society for the Prevention of Accidents. Drivers had been informed of this advice as part of the disability training awareness course.

In response to questions Mr Young informed the Panel that he had 75 hackney carriage and private hire vehicles on his circuit, 23 of which were WAVs. He stated that he did record the number of refusals he made but he had not brought them to the Panel.

Mr Young was asked how many complaints he had received from drivers who were self employed and how many had contacted the Council to tell them of the problem. Mr Young responded that he was an operator and WAV drivers could carry out 11 jobs per day shift, many of the drivers carried out contract work and so were only available for work for a small window throughout the day.

Mr Davidson, Radio Taxis (Carlisle) Ltd addressed the Panel. He reported that he was the owner of Radio Taxis and a driver of a WAV. He stated that his vehicles were all new or ex demonstration. He agreed that the vehicles were more expensive but informed the Panel that new vehicles had much better finance rates and were cheaper to run. He stated that Radio Taxis sold older vehicles due to the mileage on the vehicles. An older vehicle often had in excess of 300,000 miles on the clock before they reached Carlisle. New vehicles were more fuel efficient, cheaper to run, cleaner and had up to date technology. He felt that the fleet of vehicles in the City were better than other Cities and due to the policy they continued to improve. If the Panel approved a change in the Policy it would be a step back and older less reliable vehicles with excessive mileage would be used.

In summing up, the Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel in reaching a decision.

The Panel discussed the application in detail, Members felt strongly that the Policy had worked well and that there was no reason within Mr Young's application to change the Policy.

It was moved and seconded and

RESOLVED – That the Panel had considered the application from Mr Young to amend the age limit on wheelchair accessible vehicles, listened to the submissions of Mr Young, Mr

Kenney and Mr Davidson and agreed that the application be refused and the existing policy be retained.

The Panel gave the following reasons for their decision:

1. The Policy had been in place since 2007 and had worked well during this period.
2. The City Council had received no other complaints regarding the Policy.
3. The Council strived to improve the standard of it taxis and not reduce it.

The Panel adjourned for a short break.

RP.07/15 HACKNEY CARRIAGE DRIVER COMPLAINT – MR KENNEDY

Having declared an interest Councillor Wilson did not take part in the consideration of this item.

Councillor Betton joined the meeting.

The Licensing Officer submitted report GD.08/15 regarding a complaint received about a Hackney Carriage Driver.

Mr Kennedy, the Driver, and Ms Stanton, the complainant, were in attendance.

The Assistant Solicitor outlined the procedure the Panel would follow. Mr Kennedy confirmed that he had received and read the Licensing Officer's report. The Assistant Solicitor advised Mr Kennedy that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer reported that Mr Kennedy had held a Hackney Carriage Drivers licence since 2009 and he had passed his Driving Standards Agency driving test which included the wheelchair element in June 2009. Mr Kennedy had come to the attention of the Licensing Office on 3 separate occasions but no further action had been taken at the time.

The Licensing Officer gave details of the current complaint. He reported that a complaint had been received on 18 December 2014 from a wheelchair user, Ms Stanton, who suffered from a rare tissue disorder (Ehlers-Dalos Syndrome). Ms Stanton had called a taxi through Radio Taxis on 17 December 2014 to take her home from Asda, Kingstown. She was accompanied by two carers. When the driver, Mr Kennedy, arrived he took out the ramps but did not ask if Ms Stanton required any assistance to get up the ramps. Her wheelchair was electric so she had been able to proceed herself. When Ms Stanton reached the top of the ramp she had become stuck and the driver then pushed her. She banged her head on entering the vehicle and Mr Kennedy had asked if she was ok. Ms Stanton began to manoeuvre her wheelchair around to face the rear of the vehicle anticipating being strapped in and her wheelchair secured but the driver told her to stay where she was, which was sideways. The driver then took the ramps away and loaded the shopping before setting off. Both of the carers witnessed this.

On approaching Ms Stanton's home, the wheelchair was moving about when the vehicle was driving over the cobbled road. When Ms Stanton got home she had to apply a cold compress to her head and was sick through the night. The incident had been logged with the Grey Healthcare Group.

The Licensing Officer interviewed Mr Kennedy on 22 December 2014. Mr Kennedy was immediately confrontational and aggressive with the Licensing Officer. Mr Kennedy recalled being late for the job and said Ms Stanton had not put her headrest down which was why her head hit the vehicle. He added that Ms Stanton was in charge of manoeuvring her wheelchair around and she had been unable to do so. He had thought that the chair would be heavy enough and would not move so he had not attempted to secure the wheelchair or Ms Stanton and left her positioned sideways. He confirmed that his vehicle would have been able to accommodate the wheelchair correctly and that he had made a mistake.

At the interview Mr Kennedy was reminded of a case in Birmingham where a disabled passenger had died as a result of being transported sideways and not being correctly secured. All drivers were also reminded of this during the Disability Awareness Session which the Council ran.

The Licensing Officer stated that it was not illegal to carry passengers sideways but it should be avoided for the protection of not only the passenger but for the driver as well. She added that Mr Kennedy had failed in his duty of care as a driver and had endangered his passengers.

Ms Stanton addressed the Panel. She gave an overview of Ehlers-Dalos Syndrome which was a rare condition which affected the connective tissues. Ms Stanton was prone to dislocations which could happen eight times a day. The condition caused her to bruise easily, her skin was stretchy and she had hypermobile joints.

Ms Stanton reported that as she was entering the vehicle her wheelchair became stuck, she had been told that the driver had pushed her and as a result she had banged the front of her head. Her head rest had been removed prior to entering the vehicle. Once inside the vehicle she began to move her wheelchair ready to be strapped in but the driver had told her to stay sideways. She added that her wheelchair had anchoring straps. She felt she had been lazily put into the vehicle. In response to a question she confirmed that she always removed the head rest to enter a taxi. She added that had there been accident she would have been seriously injured.

The Licensing Officer added that Ms Stanton's carer had the same condition and was also travelling in the vehicle.

In response to questions the Licensing Officer reported that the driver's code of practice stated that a driver must give reasonable assistance to wheelchair users. Elderly and vulnerable passengers. The disability awareness course gave details of how to secure a wheelchair properly and every driver should be aware of the manufacturer's instructions for their vehicle. She confirmed that it was not illegal to carry wheelchairs sideways but it should only be done in exceptional circumstances, where there was no other option.

Mr Kennedy addressed the Panel. Mr Kennedy confirmed that he had been sent to the job and had been late. When he arrived Ms Stanton was waiting with two carers. He got out of his vehicle and apologised for being late but had no response from Ms Stanton. He got the ramps out and watched Ms Stanton on her electric wheelchair go up the ramps. He could not assist her as the wheelchair was too heavy to push unless the electricity was switched off.

When Ms Stanton reached the top of the ramps the wheelchair had been stuck and he could not understand how, the next thing he knew she was in the cab with her head in her

hands. He asked if she was ok and did not get a response, Ms Stanton then threw the head rest on the seat and said she would have to put a cold compress on. He asked again if she was ok and she did not respond. Ms Stanton then started to move her wheelchair, he stated that he had not secured the wheelchair because he had been late and due to personal circumstance, he had just wanted to take Ms Stanton home as she had banged her head. Ms Stanton's carers were outside the vehicle and did not seem to be concerned. He had not been aware of Ms Stanton's condition and he treated all passengers equally. Neither of the carers reacted and no one had questioned him.

Mr Kennedy asked if a letter of support from a wheelchair user who was a regular customer could be circulated to Members. The Panel agreed to read the letter during their deliberations.

Mr Kennedy continued to inform the Panel of the incident. Once Ms Stanton was in the vehicle he loaded the shopping into the vehicle. The wheelchair was not sideways but at an angle. He felt Ms Stanton was frustrated from banging her head, the electric wheelchair was very heavy and neither of the carers had questioned him so he proceeded to take Ms Stanton home. On arrival at her home everything had seemed fine; he unloaded her shopping and set up the ramp. It had seemed like a normal job and the customer seemed happy.

He stressed that there was no way he could have physically pushed her to bang her head. He admitted that he had not secured her as he had not felt it necessary and he apologised to the Panel, the Licensing Officer and to Ms Stanton.

In response to questions Mr Kennedy explained that he had thought Ms Stanton's head rest was on her wheelchair, he did not notice it until she threw it on the seat. He had thought the head rest was the reason for the wheelchair being stuck. He had been looking at the bottom of the wheelchair to see where it was caught and had presumed it was the head rest; he had not seen the head rest until after the accident. He stated that it was very unlikely that an electric wheelchair could move. He added that he had been late and he had been concerned that Ms Stanton has caught her head. He knew he had made a mistake and he was very regretful.

Mr Kennedy had not known Ms Stanton's condition and felt it would have been intrusive to ask. He did not do first aid especially now where liability was so great. He confirmed that he had attended the disability awareness training and had passed the test. He also confirmed that there had been no conversation between himself and the two carers.

In summing up, the Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel in reaching a decision.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – That the Panel has carefully considered and read the evidence in the report and listened carefully to the responses and heard Mr Kennedy and Ms Stanton.

The Panel noted that Mr Kennedy had held a Hackney Carriage Driver's Licence since 2009 at which point he passed his Driving Standards Agency Test including the wheelchair element.

The following year the Council received a complaint regarding Mr Kennedy's meter being switched on in advance of the journey commencing. The Council received a further complaint in 2012 regarding an altercation between Mr Kennedy and a bus driver. No action was taken on either occasion. In 2014 the Council received a complaint regarding Mr Kennedy's driving and again no action was taken though our Licensing Officer dealing with the complaint found Mr Kennedy's behaviour to be aggressive.

On the 18th December the Council received the complaint from Ms Stanton regarding the incident for which Mr Kennedy was before the Panel today.

The Panel have listened carefully to Mr Kennedy's account of this incident today. However the Panel are extremely concerned that despite attending a Disability Awareness Session and passing a test on the subject Mr Kennedy still proceeded to transport a disabled passenger in a dangerous manner, failing to secure her wheelchair.

The Panel must be satisfied that Mr Kennedy is a fit and proper person to hold a Hackney Carriage Driver's Licence.

The Panel decided to:

Suspend Mr Kennedy's Hackney Carriage driving Licence for a period of two months and re-attend the City Council's disability awareness training during that time.

The reasons for the decision were:

1. Mr Kennedy's actions were entirely against council policy and entirely against the disability and duty of care guidelines.
2. Mr Kennedy had attend the training and was aware of the requirements for transporting a wheelchair
3. It was very dangerous to transport a wheelchair unsecured and Mr Kennedy placed himself and his passengers at risk.
4. Mr Kennedy had no valid reason for not securing the wheelchair

Councillor Wilson returned to the meeting.

RP.08/15 HACKNEY CARRIAGE DRIVER COMPLAINT – MR MORTON

The Licensing Officer submitted report GD.07/15 regarding a complaint received about a Hackney Carriage Driver.

Mr Morton, the Driver, and Mr Leigh, the complainant, were in attendance.

The Assistant Solicitor outlined the procedure the Panel would follow. Mr Morton confirmed that he had received and read the Licensing Officer's report. The Assistant Solicitor advised Mr Morton that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer reported that Mr Morton had held a Hackney Carriage Drivers licence since 1995. Mr Morton had come to the attention of the Licensing Office on numerous occasions for motoring offences and non compliance of vehicle conditions and had appeared before the Regulatory Panel on four occasions between 1995 and 2003. As a result Mr Morton had received a warning letter, a 1 week suspension, a 2 week

suspension and a 2 week suspension to include taking and passing the Driving Standards Agency taxi test.

The Licensing Officer drew the Panel's attention to sections 1.2 – 1.4 of the report which detailed three further incidents which involved Mr Morton in 2007, 2009 and 2014.

The Licensing Officer gave details of the current complaint. He reported that, on 22 November 2014, Mr Leigh had attended a family wedding at the Hallmark Hotel, Carlisle during which his mother in law fell and had to be taken to hospital. Mr Leigh's mother in law had fractured her pelvis and was allowed to go home as there was little that could be done for injuries of that nature.

Mr Leigh had informed the Licensing Office that a taxi had been called before midnight through an operator, Carlisle Drivers, and Mr Morton arrived. Mr Leigh's mother in law had been taken out to the taxi in a wheelchair and was able to get into the back of the vehicle. Mr Leigh had stated that the journey had been fine and he had spoken to the driver. On approaching the address Mr Leigh had asked if it had been possible to pull onto the driveway, but the driver had responded that he was not allowed to do so as it was private land and he would not be insured. The driver pulled up on the opposite side of the road and Mr Leigh asked if he could turn the vehicle around to park outside of the property so his mother in law would not have to cross the road. Mr Morton had replied "no I can't do that because the computer says we have arrived at the address". Mr Morton then offered to carry Mr Leigh's mother in law across the road,

Mr Leigh had helped his mother in law out of the vehicle and had had to carry her across the road as she had been distressed with the pain. Mr Leigh had felt that the driver was "taking the mick" and felt his lack of assistance and attitude was unacceptable towards a 79 year old lady who had suffered a serious injury.

The Licensing Officer reported that Mr Morton had been asked to attend the Civic centre to discuss a complaint. Mr Morton was interviewed by the Licensing Officer on 26 November 2014. He had not been happy and commented that the Council were breaking the law by not informing him in advance what the complaint was about. Mr Morton was informed of the procedure for dealing with complaints.

The Licensing Officer read the complaint out to Mr Morton who asked to be "given time to think". He recalled the journey, saying there was a "drunken man laughing and joking with the receptionists in the waiting area when he arrived at A&E". The same man brought out the lady in the wheelchair; Mr Morton had opened the door and held her handbag while she was helped into the vehicle from the wheelchair.

During the interview Mr Morton had remembered being asked to pull into the driveway and said "I'm thinking well a bus driver wouldn't do that and I'm not allowed to" so he had replied "sorry I can't do that". He could not remember saying anything about not being insured. He had said that it was a main road with two way traffic and he was not allowed to turn around as the Council would not allow him to. He said the knowledge test asked a driver to get from A to B and the computer had said he had reached his destination. He had told Mr Leigh he would carry his mother in law and he had got out of the vehicle and held the door open, he had been quite willing to help. He had added that he would always get out and help people and he could not be more helpful. He told the Licensing Officer that it was illegal to do a u turn and that he was following council rules by taking the shortest distance.

Mr Morton addressed the Panel. He initially tried to discuss the passenger's personal details and injury as he had believed the lady had not broken her pelvis but he was reminded that the passenger was not the complainant and he had to address the complaint only. Mr Morton explained that he had been sent to accident and emergency to collect a fare. Mr Leigh brought the lady out in a wheelchair, Mr Morton helped her into the left hand side rear passenger seat and Mr Leigh took the wheelchair back.

Mr Leigh gave Mr Morton the address and they had a conversation in the vehicle in which Mr Leigh had said he had been at a wedding all day and the lady had fallen on the dance floor. Mr Morton had turned into St Peters Drive and stopped opposite the lady's house and stopped the meter. He was asked to pull into the drive way and he had said no sorry and he was asked to turn around and he had said no sorry. The reason was that the drive way was private land and Mr Morton had not believed that he was allowed to. He had stopped the meter and the lady was kerbside, he had believed this to be the safest place for her. He had left the vehicle and offered to help her across the road; he then returned to the vehicle and waited in his vehicle with the window down until they were across safely. He stated that if he had done something wrong then he sincerely apologised, he added that he would do it differently next time and would pull into the drive.

Mr Morton informed the Panel that he was rarely asked to pull into driveways and that was why he had said no. He should have realised it would have been ok, he said he had 'messed up' and he was sorry.

In response to questions Mr Morton explained

- that he had not turned the vehicle around, even though the passenger would have remained kerbside, because he was worried about receiving a complaint for overcharging. He had thought he would be breaking Council rules as drivers had to take the shortest route.
- he had been a driver for 20 years and had very rarely been asked to turn into a drive as it was private property.
- he conceded that it would be no different to private car parks.
- he confirmed that he had attended the disability awareness training.
- he had not turned the vehicle around after he had switched the meter off as he understood he was not allowed to carry passengers without the meter on.
- he had not been aware of the ladies injury and he had not spoken with Mr Leigh as Mr Leigh had been on the telephone during the journey.
- he had helped the lady into the vehicle, he did care about his passengers and always offered help.
- he had thought it was illegal to do a u turn at a junction, he thought he had to drive past the junction and back in.
- he had CCTV in his vehicle facing forward but had removed it.
- he learned about new rules and policies from talking to other drivers. He did not receive information from Licensing other than the up to date procedures received once a year with the licence renewal.

The Licensing Officer clarified that the Driving Standards Agency Taxi Test tested the manoeuvring of the vehicles; it did not give behaviour training. The disability awareness training did contain information on duty of care. She added that the Licensing Office had suggested Mr Morton install CCTV in his vehicle but he had not submitted an application, any CCTV in his vehicle was unauthorised. It was explained to the Panel that all CCTV had to be authorised by Licensing and any recording equipment officially sealed.

The Licensing Officer explained that all drivers were emailed when new legislation or policies came into force, free copies of a monthly trade magazine were also available in the

Customer Contact Centre for any drivers who wished to have one to keep themselves abreast of any current changes.

Mr Leigh addressed the Panel. He confirmed that he had been to a wedding but it was not all day, it had began at 7pm. He had been drinking but his mother in law's accident had sobered him up quickly. He was a nurse and his instincts had taken over. On the way to his mother in law's house he had been on the telephone to his partner explaining the situation and informed her that her mother had fractured her pelvis in three places. During the journey his mother in law had asked the driver to turn into the driveway and he had told them he could not as he was not insured. They had both accepted this and asked him to turn around. The driver had refused and offered to carry her across the road. Mr Leigh had not thought the driver was being serious. He confirmed that the driver had opened the door and had been polite but he had not done anything to make it easier for his mother in law.

In summing up, the Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel in reaching a decision.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – That the Panel has carefully considered and read the evidence in the report and listened carefully to the responses and heard Mr Morton and Mr Leigh.

The Panel noted that Mr Morton had been granted a private hire licence in 1991 and a hackney carriage licence in 1995. During the 8 year period following the granting of Mr Morton's hackney licence he came to the attention of the Licensing department on numerous occasions and appeared before this panel 4 times resulting in a warning letter, a 1 week suspension, a 2 week suspension and a further 2 week suspension and also being required to take the DSA taxi test..

In 2007 Mr Morton disclosed to the Council's Licensing department that he had been suspended by his operator following a complaint. In 2009 he received a further warning letter following a caution for common assault.

The Panel appreciated that there was then a 5 year period in which he did not come to the attention of the Licensing department until last year where in January the Council received a complaint from a fare paying customer and then in November the Council received a complaint regarding the latest incident of 22nd November which has resulted in Mr Morton being brought before the Panel today.

The Panel have listened carefully to Mr Morton's account of this incident and the account of Mr Leigh.

The Panel must be satisfied that Mr Morton is a fit and proper person to hold a Hackney Carriage Driver's Licence.

The Panel decided to:

Suspend Mr Morton's hackney carriage driving licence for a period of two months and require Mr Morton to sit and pass the Driving Standards Agency Taxi Test within 13 weeks and re-attend the City Council's disability awareness training during the suspension period.

The reasons for the decision were:

1. Mr Morton gave no valid reason for not dropping off his passenger at her door.
2. Mr Morton's behaviour was very unhelpful and disrespectful
3. Mr Morton had a very poor understanding of both the highway code and the code of conduct for drivers.

RP.08/15 DELEGATED AUTHORITY TO THE REGULATORY PANEL

RESOLVED – It was agreed that report GD.11/15, Delegated Authority to the Regulatory Panel be deferred to the next meeting of the Panel scheduled for 25 February 2015.

(The meeting ended at 4.55pm)