

## **REGULATORY PANEL**

**WEDNESDAY 12 SEPTEMBER 2012 AT 2.00 PM**

**PRESENT:** Councillor Bell (Chairman) Councillors S Bowman (as substitute for Councillor Craig) Cape, Ms Franklin, Layden, Mrs Luckley (as substitute for Councillor Allison) Morton, Mrs Parsons, Scarborough, Mrs Stevenson, Mrs Vasey and Mrs Warwick.

### **RP.23/12 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Allison and Councillor Craig.

### **RP.24/12 DECLARATIONS OF INTEREST**

There were no declarations of interest affecting the business to be transacted at the meeting.

### **RP.25/12 MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** – That the minutes of the meeting held on 8 August 2012 be agreed as a correct record of the meeting and signed by the Chairman.

### **RP.26/12 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER – FURTHER CONVICTION**

The Licensing Officer submitted report GD.41/12 regarding a licensed Hackney Carriage and Private Hire Driver who had received a speeding conviction whilst driving a Hackney Carriage.

Mr Griffiths, the Hackney Carriage driver, had been unable to attend the meeting due to work commitments and had submitted a letter confirming he was happy for the Panel to continue in his absence.

The Licensing Officer reported that Mr Griffiths had been granted a Hackney Carriage Licence in June 2011 and a Private Hire Drivers Licence in March 2012. His Criminal Record Bureau check had revealed a number of criminal convictions between 1976 and 2001 which had been discounted because of their age. There was, however, a domestic related offence in 2008 and a speeding offence in 2012 which resulted in his licence being issued with a warning letter regarding informing him his future conduct would be closely monitored and any further offences would result in an appearance before the Regulatory Panel.

Mr Griffiths had informed the Council that on 5 July 2012 at 4.06pm, a speed camera recorded the taxi he was driving at 76mph in a 60mph limit. Mr Griffiths was carrying a fare paying passenger and as a result the matter was automatically referred to the Panel for their consideration.

The Panel agreed for a letter from Mr Griffiths to be read out on his behalf. The letter stated that Mr Griffiths recalled that he had left the M6 to go onto the A75 leading northwest, the road had been very quiet. He was travelling on the dual carriage way and had not realised the speed he was doing. He apologised for the 'silly mishap' and realised that it was not acceptable for a hackney carriage driver.

His letter also explained the circumstances of a previous conviction in 2008. He explained that he had been in an extremely volatile relationship for many years and had had enough. He did not condone his actions but he had been provoked.

In response to the Panel's questions the Licensing Officer confirmed Mr Griffiths' age and explained that he had other employment which is why he had not been able to attend the Panel in person.

The Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

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

RESOLVED – That, having given detailed consideration to the matter and taking into account the Hackney Carriage Driver's letter and his licensing history, the Panel agreed to issue Mr Griffiths with a letter of warning.

## **RP.27/12 HACKNEY CARRIAGE FARES REVIEW**

The Licensing Officer submitted the annual Hackney Carriage Fares Review (GD.44/12).

The Licensing Officer outlined the history of the annual review and the relevant legislation. She explained that the Council's Financial Services had produced the changes in the RPI to the identified criteria for transport costs since the last increase. The changes had been multiplied by the 'weighting' agreed with the taxi associations previously and an overall increase of 0.02% in transport costs had been identified.

She explained that in view of the small rise in the RPI for transport costs, Members were recommended not to approve an increase in the Hackney Carriage tariff for the next twelve months.

A Member commented that it had been noted that journeys with the same start point and the same finish point could vary in cost. He asked that the Licensing Office investigate the matter further.

The Licensing Officer agreed to contact the City Council garage and ask that the metres and tyre pressure of taxis were checked when taxis had there four month check.

**RESOLVED** –1) That in view of the small (0.02%) increase in the RPI for transport costs, the Panel agreed to retain the current Hackney Carriage tariff for a further twelve months.

2) That the Hackney Carriage tariff be reviewed in September 2013 where the RPI will be calculated over a two year period.

## **RP.28/12 PUBLIC AND PRESS**

**RESOLVED** – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against each minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

## **RP.28/12 HACKNEY CARRIAGE DRIVERS APPLICATION**

(Public and Press excluded by virtue of Paragraph 7)

The Licensing Officer submitted report GD.48/12 regarding an application for a Hackney Carriage Driver Licence.

The applicant, PR, was in attendance at the meeting.

The Acting Legal Services Manager outlined the procedure the Panel would follow. The Applicant confirmed that he had received and read the Licensing Officer's report. The Acting Legal Services Manager advised the Applicant that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer outlined the Applicant's licensing history and reminded the Panel that the Applicant had previously had a Hackney Carriage Drivers licence revoked by the Panel. The Panel had considered a new application from the Applicant for a Hackney Carriage driver licence but they had felt that there had not been a sufficient period of time between the revocation and the new application and did not grant the Applicant the Licence.

The applicant explained how his circumstances had changed since his previous application and confirmed that he had not received any further points on his

licence. He explained his reasons for applying for a Licence and confirmed that he had taken the Driving Standards Agency 'Taxi' test in 2007.

The Licensing Officer reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

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

RESOLVED – That, having given detailed consideration to the matter and taking into account the applicant's statement and his licensing history, the Panel agreed to grant the applicant, PR, a Hackney Carriage Drivers Licence accompanied by a letter of warning with the provision that his medical examination is satisfactory in accordance with Council policy and that he retake and pass the Driving Standards Agency 'Taxi' test.

(The meeting ended at 2.55pm)