

Runnymede Borough Council

REGULATORY COMMITTEE

9 February 2010 at 11am

Members of the Committee present: Councillors D W Parr (Chairman), Mrs F J Barden (Vice-Chairman) and Mrs M Roberts

Members of the Committee absent: Councillor Mrs M T Harnden

Councillor R J Edis also attended part of the meeting, as an Observer, with the permission of the Chairman.

569. FIRE PRECAUTIONS

The Chairman read out the fire precautions.

570. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs M T Harnden.

571. DECLARATIONS OF INTEREST

Councillor D W Parr declared a personal interest in the item 'Hackney Carriage Driver's Licence – Local Government (Miscellaneous Provisions) Act 1976' as he was acquainted at one time with the appellant's friend, whose wife he had taught to drive some years ago.

572. HACKNEY CARRIAGE DRIVER'S LICENCE – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this application under Section 100A(4) of the Local Government Act 1972 on the grounds that the application would be likely to involve disclosure of exempt information of the description specified in paragraphs 1, 2, 3 and 7 of Part I of Schedule 12A of the Act.

The Committee considered whether Mr G was a 'fit and proper' person to remain holding a Hackney Carriage Driver's Licence, which had been issued in November 1990 and was due to expire in November 2010.

The driver attended the meeting (accompanied by a friend) in order to provide supporting information and answer Members' questions in respect of the matters outlined in the Committee papers.

The Council's Proper Officer outlined Mr G's history of complaints. These ranged from urinating in the bushes (2003) and in a bottle (2008), a complaint of verbal abuse in 2007, for over-charging on more than one occasion (2003 and 2009) and for keeping his vehicle in a state of uncleanliness, for which he had received two previous warnings, the most recent in 2009.

Mr G provided background information and supporting information regarding his conduct and the allegations made against him. He admitted urinating in the bushes on one occasion in the past (2003), but stated that other drivers and the public also engaged in this activity, owing to a lack of public conveniences in Egham. He denied the allegations made by other drivers in 2008 of using a bottle in his vehicle. The latter allegation had not been substantiated and Mr G was disappointed that it had been included in the paperwork.

In respect of the alleged practice of switching on the meter prior to a passenger entering the vehicle (known as 'warming the meter') and disconnecting the roof light so as to disguise the action of switching on the meter (2003 and 2009) Mr G denied the allegation. He stated that the amount it was claimed he had overcharged a customer by was impossible, owing to the increments that were programmed into the meter. Officers stated that Mr G had professed ignorance with regard to the connection of the roof light when questioned.

Members noted that the first occasion of allegedly over-charging in 2003 had not been proven. Mr G stated that whilst he had turned on the meter prior to a passenger getting into his vehicle in October 2009, it was only by a matter of seconds, as he had seen the potential customer hail him from the station forecourt and immediately approach his vehicle on the rank.

In response to another complaint lodged with the Council in 2007, Mr G denied shouting at a disabled member of the public. He claimed that he was in fact trying to be of assistance, by informing them that they did not need to buy a ticket for the pay and display car park if they had a disabled 'blue badge' and were parked in a disabled bay. Unfortunately the person had misunderstood and thought him abusive.

Officers confirmed that the reference to another complaint made in early 2010 had not been confirmed in writing so would not be taken into account at the meeting.

Mr G considered the Council had unfairly taken his age into account and that the Licensing Officers were generally unsympathetic towards him. He also felt that he was the victim of other drivers at a time when work was scarce. He explained that other drivers were treating him with hostility and fabricating stories in order to gain more business for themselves.

Officers had stated that Mr G was the oldest Hackney Carriage Driver in the borough. However, Members were asked to note that there was no upper age limit for drivers. Officers confirmed that all Hackney Carriage and Private Hire drivers, once they reached the age of 60, were required to undergo an annual medical and that other drivers were in the same position as Mr G.

Members were advised that if Officers had any concerns arising from the driver's own GP's medical report, or required further information, the Council's nominated medical advisor would be called on to assist. Officers confirmed that Mr G's last two medical reports had been satisfactory and that his condition of Class 2 Diabetes met the Group 2 standard, being diet controlled. Mr G confirmed that despite his visual acuity being recorded in 2008 he did not have any visual impairments.

Despite receiving two warnings about the cleanliness of his vehicle, Mr G stated that no customers had complained to him about it. Therefore he considered this allegation was unfair. However, Officers stated that the vehicle had been very dirty on the outside and inside, with debris and crumbs, and warranted extensive valeting before being pleasant to travel in as a fee paying customer.

In accordance with Council guidelines, Members considered the case on its merits. Each of the options were considered; whether to take no action, to suspend or revoke his licence, or to place additional conditions on his existing Hackney Carriage Driver's licence.

Mr G was advised that as a Hackney Carriage driver of 20 years standing he should have been aware of the rules regarding not turning on the meter until a passenger was inside the vehicle, and that 'warming the meter' was regarded as dishonest. This was a matter the Committee took very seriously and at the heart of a driver being 'fit and proper' was honesty and treating the public fairly.

Mr G was advised that keeping his vehicle to a high standard of cleanliness, inside and out was essential and that it appeared he did not accept this requirement which had to be scrupulously complied with.

Members also considered that Mr G had attempted to divert blame onto others and did not appear to appreciate that in a position of trust, in the public eye, he was expected to behave to a higher standard than other people.

Having considered all the details of the case, the Committee considered that Mr G was no longer a fit and proper person to hold a Hackney Carriage Drivers' Licence and the Chairman informed Mr G that his licence with Runnymede Borough Council would be revoked accordingly.

Mr G was informed of his right of appeal to the Magistrates' Court within 21 days of receiving the formal written notice of the Committee's decision. It was confirmed that, pending the outcome of an appeal (should he wish to lodge one) he could continue operating as a Hackney Carriage driver.

RESOLVED that -

the Hackney Carriage Driver's Licence held by Mr G be revoked.

Chairman

(The meeting ended at 12.25 pm)