

## Appeals Committee – 25 February 2014

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Minutes of the meeting of the **Appeals Committee** held on **25 February 2014** when there were present:-

Chairman: Cllr J E Grey  
Vice-Chairman: Cllr Mrs H L A Glynn

Cllr K H Hudson  
Cllr M Maddocks

Cllr Mrs C A Weston

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr R A Oatham.

### **OFFICERS PRESENT**

N Khan	- Principal Solicitor
J Crawford	- Transportation Manager
M Keogh	- Hackney Carriage Enforcement Officer
S Worthington	- Committee Administrator

**Note:** The Committee adjourned at 10.00 am and reconvened at 10.15 am in order to read and consider a late submission of proof of evidence by the applicant.

### **19 MINUTES**

The Minutes of the meeting held on 16 December 2014 were approved as a correct record and signed by the Chairman.

### **20 PROCEDURAL NOTE**

The Committee noted the procedure to be followed in hearing the appeal.

### **EXCLUSION OF THE PRESS AND PUBLIC**

#### **Resolved**

That the press and public be excluded from the meeting for the remaining item of business on the grounds that exempt information, as disclosed in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, would be disclosed.

### **21 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Committee considered the exempt report of the Head of Planning and Transportation relating to an applicant failing to comply with the conditions of his hackney carriage and private hire driver's licence in relation to overcharging passengers and failing to use the taxi meter.

The Committee, having given careful consideration to all of the evidence and representations made, including the submission today of the driver's proof of

evidence, determined that all but the allegations relating to overcharging should be disregarded.

The Committee considered that, although the evidence relating to the first allegation of overcharging was persuasive, it nevertheless failed to meet the necessary standard of proof. The Committee decided that, with respect to the later allegation of overcharging, the evidence was much clearer and pointed to an offence of overcharging having been made. It was considered that the driver's account of events was inconsistent when compared with the evidence presented by the Council's transportation officers and the fact that the taxi company subsequently reimbursed the overcharged element of the fare to the passenger.

The Committee did, however, take into account the driver's personal circumstances: his only source of income comes from taxi driving, his family circumstances and his ability to earn a living. However, it weighed all this against the seriousness of overcharging customers. The Committee accordingly deemed it appropriate to suspend the driver's hackney carriage/private hire driver's licence for a period of one month.

The Committee advised the driver to take heed of this suspension and to use it as an opportunity to address the way in which he conducts himself as a licensed taxi driver. It was emphasised that a harsher penalty would be issued, in the event of the driver appearing before the Committee again in the future.

### **Resolved**

That the hackney carriage/private hire driver's licence be suspended for one month, the commencement date of which to be notified to the driver in writing. (HPT)

The meeting commenced at 10.15 am and closed at 12.30 pm.

Chairman .....

Date .....

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