

# Public Document Pack



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## LICENSING COMMITTEE (HACKNEY CARRIAGE)

**DATE: THURSDAY 8 JULY 2010**

**TIME: 10.00 AM**

**PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)**

### **Members –**

Councillor Fox, Chair  
Councillor Delbridge, Vice Chair  
Councillors Bowie, Drean, Haydon, Rennie and Reynolds

### **Co-opted Representatives –**

*Members are invited to attend the above meeting to consider the items of business overleaf*

*Members and Officers are requested to sign the attendance list at the meeting.*

**BARRY KEEL**  
CHIEF EXECUTIVE

## **LICENSING COMMITTEE (HACKNEY CARRIAGE)**

### **PART I (PUBLIC COMMITTEE)**

#### **AGENDA**

**1. APOLOGIES**

To receive apologies for non-attendance submitted by Committee Members.

**2. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this Agenda.

**3. MINUTES**

**(Pages 1 - 6)**

To confirm the minutes of the meeting held on 10 June 2010.

**4. CHAIR'S URGENT BUSINESS**

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

**5. APPEAL CASES**

The Committee will be provided with the results of the judgement on appeal cases that went to Court.

**6. EXEMPT INFORMATION**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

### **PART II (PRIVATE COMMITTEE)**

**MEMBERS OF THE PUBLIC TO NOTE:**

that under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

**7. CONFIDENTIAL MINUTES (E3 AND E7)**

**(Pages 7 - 8)**

To confirm the confidential minutes of the meeting held on 10 June 2010.

8. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF  
LICENSE STATUS - RD (E3 AND E7)** (Pages 9 - 14)

The Director for Community Services will submit a report on a licensed hackney carriage driver review of licence status.

9. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF  
LICENSE STATUS - TKS (E3 AND E7)** (Pages 15 - 26)

The Director for Community Services will submit a report on a licensed hackney carriage driver review of licence status.

**LUNCH 1PM - 2PM**

10. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE  
DRIVER'S LICENCE - ZM (E3 AND E7)** (Pages 27 - 32)

The Director for Community Services will submit a report on the application for the grant of a private hire driver's licence.

11. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE  
DRIVER'S LICENCE - SV (E3 AND E7)** (Pages 33 - 38)

The Director for Community Services will submit a report on the application for the grant of a private hire driver's licence.

12. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE  
DRIVER'S LICENCE - RL (E3 AND E7)** (Pages 39 - 44)

The Director for Community Services will submit a report on the application for the grant of a private hire driver's licence.

**PART I (PUBLIC COMMITTEE)**

13. **LICENSED PRIVATE HIRE DRIVER REVIEW OF  
LICENCE STATUS - M KOHAJDA** (Pages 45 - 50)

The Director for Community Services will submit a report on a licensed driver review of licence status.

14. **LICENSED PRIVATE HIRE DRIVER REVIEW OF  
LICENCE STATUS - I BANCIU** (Pages 51 - 56)

The Director for Community Services will submit a report on a licensed driver review of licence status.

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## Licensing Committee (Hackney Carriage)

Thursday 10 June 2010

### PRESENT:

Councillor Fox, in the Chair.  
Councillor Delbridge, Vice Chair.  
Councillors Bowie, Haydon, Rennie and Reynolds.

Apologies for absence: Councillors Drean

The meeting started at 10.00 am and finished at 4.00 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 1. APPOINTMENT OF CHAIR AND VICE CHAIR

Agreed that –

- (1) Councillor Fox is appointed as Chair for the current municipal year;
- (2) Councillor Delbridge is appointed as Vice-Chair for the current municipal year.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members in accordance with the code of conduct.

### 3. MINUTES

Agreed that the minutes of the meetings held on 15 April 2010 are confirmed as a correct record.

### 4. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

### 5. APPEAL CASES

The Committee was informed that there was an appeal against the revocation of a private hire driver's licence due to be heard in the crown court on 11 June 2010.

### 6. LICENSED HACKNEY DRIVER REVIEW OF LICENCE STATUS - M KOSTKA

The Committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Kostka;
- (c) taken into account that –
  - Mr Kostka was first granted a licence on 15 July 2008;
  - nine penalty points were incurred for running a red light;
  - all of the motoring offences occurred within the first nine months of

being granted a licence;

- the most recent penalty points were incurred for defective tyres on a private hire vehicle, where the tyres were worn and one was ripped, there was no visible tread on the outer shoulder of one tyre and the other tyre tread was recorded at 1.38mm;
- that all offences involved a private hire vehicle driven by him;
- the explanations given for speeding were that he was little above the limit and there were no passengers on board. Also, he wasn't sure that he was working at the time;
- the explanation for red light was that the traffic lights had changed to amber and due to cars behind him he thought it was safer not to stop;
- in relation to the checks he made to his vehicle before starting to drive he would now make sure that he checked his vehicle prior to driving and wouldn't drive unless he was satisfied the car was safe.

Councillors had concerns that all offences raised concerns for public safety and this did call into question Mr Kostka's suitability to retain a licence, however, having considered all the evidence and his situation councillors agreed that in accordance with their policy and in order to address their concerns over public safety Mr Kostka is directed to complete the VRQ driver qualification within six months of his disqualification ending and also that he retake his driving test within six months. Finally a warning would be placed on his file and would be brought to members attention should he appear before the committee again.

### 7. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - J A HAJDUK**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Hajduk.

Agreed that in the interest of a fair hearing this matter be adjourned to the next available committee date so that Mr Hajduk could have the assistance of an interpreter.

### 8. **LICENSED HACKNEY DRIVER REVIEW OF LICENCE STATUS - L HARRISON**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Harrison;
- (c) taken into account -
  - (i) Mr Harrison's history of motoring offences and the fact that he had accumulated –
    - twelve penalty points back in 2001 but was not disqualified due to exceptional hardship;
    - three penalty points in February 2004 for a pedestrian crossing offence;

- three penalty points in May 2007 in respect of using a mobile phone whilst driving;
  - six penalty points in total in April 2010 in respect of using a mobile phone whilst driving and also failing to comply with a no entry sign. (Also driving otherwise than in accordance with licence for which he received no separate penalty);
- (ii) Mr Harrison's previous history as a licence holder –
- that he had been a licence holder for coming up for ten years and in that time had been warned for the use of a mobile phone whilst driving (August 2007), been warned about his standard of driving following a complaint from a member of the public (February 2009), been issued with a prohibition notice in October 2008 in respect of three bald tyres and then again in July 2009 in respect of two bald tyres, a loose bumper and window being held up with screwdriver.
- (iii) that the committee also heard from the licensing officer that on one of the occasions that a prohibition notice had been served on Mr Harrison in respect of his tyres he had represented the vehicle for inspection with two of the tyres still being illegal. Mr Harrison had explained this by saying he had borrowed the tyres from another driver;
- (iv) that Mr Harrison explained his use of his mobile whilst driving as being due to calls from his daughters but when questioned confirmed that on other occasions he had answered it just because it was ringing. He confirmed that he had installed Bluetooth in his cab since his last conviction;
- (v) that Mr Harrison confirmed that he had been working when the offences were committed;
- (vi) that Mr Harrison explained that he was employed at present;
- (d) Members expressed concerns in relation to Mr Harrison's –
- disregard for the rules of the road and public safety, which was shown by his use of his mobile phone while driving and also his bald tyres on his vehicle;
  - his horrendous driving record as shown by his penalty points, warnings and prohibition notices.

Agreed that having taken into account all of the above and having considered the history of motoring offences which are relevant offences under the Council's licensing policy, Mr Harrison is no longer a fit and proper person to retain his Hackney Carriage Driver's licence due to concerns for public safety. His licence would therefore be revoked.

### 9. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - C SATURN**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Saturn;

(c) taken into account that –

- Mr Saturn was first granted a licence in June 2009 and was convicted of stopping within pedestrian crossing limits in October 2009 within the first year of being licensed as a driver;
- he had failed to report the conviction in accordance with the terms of his licence and had explained that this was due to the fact that he had been scared to do so but acknowledged he was now in more trouble for failing to do so;
- he has now completed the VRQ;

Agreed that Mr Saturn's Private Hire Driver's licence would be suspended for two days in respect of the breach of licence condition.

10. **EXEMPT INFORMATION**

To consider passing a resolution under Section 100A (4) of the Local Government Act, 1972 to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 7 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

11. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - TAS**

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from TAS;
- (c) heard from TAS's employer;
- (d) heard from TAS's legal representative;
- (e) heard details of TAS's convictions;
- (f) considered a number of character witness statements about TAS.

Agreed that having considered all of the above the committee did not consider that TAS posed any risk to the public and therefore no action would be taken against her licence.

*(Note: there is a confidential part to this minute)*

12. **LICENSED HACKNEY DRIVER REVIEW OF LICENCE STATUS - SGR**

The Committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from the Licensing Officer that SGR had not attended the committee hearing and no notification regarding his absence had been received;

Agreed that a letter be sent to SGR by recorded delivery inviting him to attend the next hearing and if he failed to attend warning him that the matter would be considered in his absence.

13. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - AP**



The committee having –

- (a) considered the report of the Director for Community Services;
- (b) considered the matter in AP's absence;
- (c) heard details of AP's convictions;

Agreed that as AP had not attended and given his side of events to councillors questions and due to the unchallenged evidence which raised concerns for public safety, councillors felt they had no alternative but to suspend APs licence until such time as he attends the Licensing Committee (Hackney Carriage) so that the matter can be fully considered.

*(Note: there is a confidential part to this minute)*

14. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - TCW**

The Committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from the Licensing Officer that TCW had not attended the committee hearing and no notification regarding his absence had been received;

Agreed that a letter be sent to TCW by recorded delivery inviting him to attend the next hearing and if he failed to attend warning him that the matter would be considered in his absence.

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**CITY OF PLYMOUTH**

**Subject:** Licensed Private Hire Driver – Review of Driver Licence Status

**Committee:** Licensing Committee (Hackney Carriage)

**Date:** 8 July 2010

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director for Community Services

**Author:** Mark Small – Assistant Taxi Licensing Officer

**Contact:** Tel 01752 307984  
e-mail: [george.curness@plymouth.gov.uk](mailto:george.curness@plymouth.gov.uk)

**Ref:** ERS/LIC/GO/mk

**Part:** I

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**Executive Summary:**

Mr. Marek Kohajda is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 29 March 2006. This is due to expire on 5 April 2013.

On 6 April 2010, Mr Kohajda completed a DVLA check, during the renewal process of his Private Hire driver's licence, as he had no UK counterpart for his driving licence. This check revealed a motoring conviction, not reported to the Licensing Office by Mr Kohajda.

Mr Kohajda has been invited to attend this Licensing Committee in order that this matter may be considered.

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**Corporate Plan 2010-2013:**

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving Accessibility (Transport)

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

Not applicable.

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**Other Implications: eg. Section 17 of the Crime Disorder Act 1998 - Community Safety, Health and Safety and Risk Management, Equalities Impact Assessment etc.**

Members should be aware that Section 17 of the Crime Disorder Act 1998 put a statutory

duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

**Recommendations and Reasons for recommended action:**

That Members of the Licensing Committee consider this report.

### Alternative options considered and reasons for recommended action

None.

## Background papers:

None

**Sign off:**

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											



## Report

1. Mr. Marek Kohajda is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 29 March 2006. This is due to expire on 5 April 2013.
2. On 6 April 2010, attended the Licensing desk to renew his Private Hire driver's licence, prior to this, Mr Kohajda completed a DVLA check, as he had no UK counterpart for his driving licence. This DVLA check revealed a Motoring conviction, not reported to the Licensing Office by Mr Kohajda.

Details of this motoring conviction are given below.

### **On 7 January 2008 at Plymouth Magistrates' Court.**

Mr Kohajda was convicted of exceeding the statutory speed limit on a public road.

Mr Kohajda was fined £160 and his DVLA licence was endorsed with 5 penalty points. A victim surcharge was imposed of £15.

Further information is revealed on the DVLA read-out.

On 19 May 2007 Mr Kohajda was given a fixed penalty fine and his licence was endorsed with 3 penalty points for using a mobile phone whilst driving a motor vehicle.

Previously Mr Kohajda had a fixed penalty fine and 3 penalty points endorsed on his driving licence on 1 November 2006 for exceeding the statutory speed limit on a public road.

This means that Mr Kohajda has 11 penalty points currently on his driving licence.

3. The actions open to Members are those contained in Section 19(1) (b) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle, since the grant of a licence,

for :- ***“any other reasonable cause”***.

4. In deciding whether Mr Kohajda is a fit and proper person, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy. The relevant parts of which are detailed below:

### **General Policy**

The Council's Hackney Carriage and Private Hire Licensing Policy states that the Council will carry out its Hackney Carriage and Private Hire licensing function with a view to promoting stated objectives. Members must therefore ensure that they consider those objectives when forming a decision.

The Licensing objectives are as follows:

1. **Safety and health of drivers and the public.**
  - Consideration of history of convictions and cautions
  - Driver training, qualification and performance
  - Health and Fitness to fulfil the role

- Crime prevention measures
- 2. **Vehicle safety, comfort and access**
- 3. **To prevent crime and disorder and to protect consumers.**
  - Commitment to work with the police and licensing authorities
- 4. **To encourage environmental sustainability**

## **Chapter 2 – Conditions of Licence**

**Paragraph 12.3** states that when considering whether someone is fit and proper the authority will consider amongst other things

- Relevant skills
- Knowledge
- Experience
- Qualifications
- Criminal record (as to relevance of offences see below)
- Previous history as a licence holder

**Paragraph 18.2** requires that in considering whether a person is fit and proper each case is considered on its own merits.

## **Chapter 4 – Enforcement Policy**

**Paragraph 8.1** - Allows the Council to revoke any licence where it is satisfied that the licence holder is no longer, for example, fit and proper.

**Paragraph 8.2** requires that when considering revocation, the Committee will take into account all relevant facts and circumstances including licensing objectives, the nature of the breach and any other information thought pertinent to the matter being considered.

**Paragraph 10.2** gives the Committee the discretion to direct a driver appearing them to complete further training or retraining, should the drivers' suitability to retain a licence be called into question.

## **Guidance on the Relevance of Convictions**

**Paragraph 1** - states that the disclosure of a criminal record will not automatically prevent an applicant from obtaining a licence, unless the Council considers the conviction renders the applicant unsuitable. In making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour.

**Paragraph 2** - states that a motoring offence is a relevant offence for considering the suitability of a person to retain a licence.

**Paragraph 8** – states that any driver who receives a relevant conviction within their licence period will be referred to the Licensing Committee (Hackney Carriage) in order that the status of their licence may be reviewed. The above guidance will be followed in such cases.

5. Two of the motoring offences mentioned in this report were committed during the first year of Mr. Kohajda holding a Private Hire driver's licence, although sentencing in Court took place after the probationary year.

6. Members are made aware that at the time of these convictions Mr. Kohajda was licensed as a Private Hire driver and, as such was governed by the conditions of licence for such drivers, which are made by virtue of Section 9(2) of the Plymouth City Council Act 1975.

Condition 1(c) of the licence requires

***The licence holder to notify the Council's Licensing Section, IN WRITING, of any conviction in a Court of Law in respect of any Motoring and/or Criminal offences following the grant of a licence, within 7 days of such an conviction.***

7. Members are asked to consider whether Mr Kohajda is a "fit and proper" person in light of the above conviction and guidance.
8. Mr. Kohajda has been invited to attend this Licensing Committee in order that this matter may be considered.

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**CITY OF PLYMOUTH**

**Subject:** Licensed Driver – Review of Driver Licence Status  
**Committee** Licensing Committee (Hackney Carriage)  
**Date:** 8 July 2010  
**Cabinet Member:** Councillor Brookshaw  
**CMT Member:** Director for Community Services  
**Author:** Mark Small - Assistant Taxi Licensing Officer  
**Contact:** Tel: 01752 307984  
e-mail: mark.small@plymouth.gov.uk  
**Ref:** ERS/LIC/MS/ib  
**Part:** I

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**Executive Summary:**

Mr Ionut Banciu is a Private Hire driver having been first licensed by this Council on the 24<sup>th</sup> June 2008, that licence has been subject to periodic renewal and transfer with the present licence being issued on the 16<sup>th</sup> March 2010 and due to expire on the 15<sup>th</sup> March 2011.

On the 16<sup>th</sup> March 2010 it was noted during his renewal of licence that Mr Banciu had received two endorsements on his DVLA driver licence.

Mr Banciu has been invited to attend this Licensing Committee in order that this matter may be considered.

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**Corporate Plan 2010-2013:**

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving Accessibility (Transport)

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**Implications for Medium Term Financial Plan and Resource Implications:  
Including finance, human, IT and land**

Not applicable.

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**Other Implications: eg. Section 17 of the Crime Disorder Act 1998 - Community Safety, Health and Safety and Risk Management, Equalities Impact Assessment etc.**

Members should be aware that Section 17 of the Crime Disorder Act 1998 put a statutory duty on every Local Authority to exercise its various functions with due regard to the need to do all that it reasonably can do to prevent crime and disorder in its area.

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

## Report

1. Mr Ionut Banciu is a Private Hire driver having been first licensed by this Council on the 24<sup>th</sup> June 2008, that licence has been subject to periodic renewal and transfer with the present licence being issued on the 16<sup>th</sup> March 2010 and due to expire on the 15<sup>th</sup> March 2011.
2. On the 16<sup>th</sup> March 2010 it was noted during his renewal of licence that Mr Banciu had received two endorsements on his DVLA driver licence. Subsequently a memorandum of conviction was applied for from Plymouth Magistrates Court which disclosed the following information in relation to those offences.

### **On 22<sup>nd</sup> June 2009 at Plymouth Magistrates' Court.**

Convicted of Using Mobile Phone / Device While Driving a Motor Vehicle on a Road, namely Union Street on 21<sup>st</sup> May 2009, contrary to Regulation 110(1) of the Road Vehicles (Construction and Use) Regulations 1986, section 41D of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Fined £60 and ordered to pay £15 victim surcharge with his driving licence endorsed with 3 penalty points.

### **On 31<sup>st</sup> July 2009 at Plymouth Magistrates' Court.**

Fail to Give Information re Drivers Identity as Required on 12<sup>th</sup> September 2009, contrary to the relevant local order, sections 84 and 89(1) of the Road Traffic Regulation Act 1984 and Schedule 2 to the Road Traffic Act 1988. Contrary to section 172(3) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Fined 100 and ordered to pay costs of £60, victim surcharge of £15 with this driving licence endorsed with 6 penalty points.

At the time of writing this report Mr Banciu has 9 live penalty points endorsed on his DVLA driving licence. Members are also made aware that the vehicles involved were licensed Private Hire vehicles at the time the above offences were committed.

3. A standard condition of Licence exists which requires all Private Hire drivers to notify the Council of any convictions received during their licence period. The conditions of licence are made by virtue of Section 9(2) of the Plymouth City Council Act 1975.

Condition 1(c) of the licence requires:-

*The licensed driver to notify the Council's Licensing Unit **in writing** of any conviction in a Court of Law in respect of any Motoring and/or Criminal offences following the grant of a licence, within 7 days.*

Mr Bancui has breached this condition of licence, as there is no trace of him having complied with this condition of licence.

4. The actions open to Members are those contained in Section 19(1) (b) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle.

for :- **“any other reasonable cause”.**

5. In deciding whether Mr Banciu is “fit and proper” Members must have regard to the Council’s Hackney Carriage and Private Hire licensing policy. The relevant parts of which are detailed below:

### **General Policy**

The Council’s Hackney carriage and Private Hire Licensing Policy states that the Council will carry out its Hackney Carriage and Private Hire licensing function with a view to promoting stated objectives. Members must therefore ensure that they consider those objectives when forming a decision.

**The licensing objectives are as follows:**

- 1. Safety and health of drivers and the public** - e.g.
  - Consideration of history of convictions and actions,
  - Driver training, qualification and performance,
  - Health and fitness to fulfill the role, and
  - Crime prevention measures.
- 2. Vehicle safety, comfort and access**
- 3. To prevent crime and disorder and to protect consumers** - e.g.
  - commitment to work with the police and licensing authorities
- 4. To encourage environmental sustainability.**

### **Chapter 2. – Conditions of Licence**

**Paragraph 12.3** states that when considering whether someone is fit and proper the authority will consider amongst other things

- Relevant skills
- Knowledge
- Experience
- Qualifications
- Criminal record (as to relevance of offences see below)
- Previous history as a licence holder

**Paragraph 18.2** requires that in considering whether a person is fit and proper each case is considered on its own merits.

**Paragraph 18.5** requires the Committee to have regard to the following when considering previous convictions:

- Whether they are spent or unspent.
- The nature of the offence
- The age of the offence
- The apparent seriousness as gauged by the penalty
- The relevance of the convictions in relation to the promotion of the Licensing Objectives

### **Chapter 4 – Enforcement Policy**

**Paragraph 8.1** - Allows the Council to revoke any licence where it is satisfied that the licence holder is no longer a ‘fit and proper’ person.

**Paragraph 8.2** - requires that when considering revocation, the Committee will take into account all relevant facts and circumstances including licensing objectives, nature of the breach and any other information thought to be pertinent to the matter being considered.



**Paragraph 10.2** - gives the Committee the discretion to direct a driver appearing them to complete further training or re - training should the drivers' suitability to retain a licence be called into question.

### **Guidance on the Relevance of Convictions**

**Paragraph 1** - states that the disclosure of a criminal record will not automatically prevent any applicant from obtaining a licence, unless the Council considers the conviction renders the applicant unsuitable. In making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour.

**Paragraph 2** - states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

**Paragraph 8** - states that any driver who receives a relevant conviction within their licence period will be referred to the Licensing Committee (Hackney Carriage) in order that the status of their licence may be reviewed. The above guidance will be followed in such cases.

6. Members are made aware that Mr Banciu has satisfactorily completed the Level 2 Btec in Transporting Passengers by Taxi and Private Hire , a pass being achieved in this qualification in November 2009.
7. Members are asked to consider whether Mr Banciu is a "fit and proper" person in light of the matters contained within this report, which all relate to his use of Private Hire vehicles licensed by this Council.
8. Mr Banciu has been invited to attend this Licensing Committee in order that this review of his driver licence status can be considered.

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