

# Public Document Pack



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

**DATE: THURSDAY 3 FEBRUARY 2011**  
**TIME: 10AM**  
**PLACE: COUNCIL HOUSE, PLYMOUTH (NEXT TO THE CIVIC CENTRE)**

### **Members –**

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

*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.*

*Please note that, unless the Chair agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used during meetings.*

**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 6 January 2011.

**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. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - S H KENDALL**

**(Pages 7 - 12)**

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

**7. 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.

**8. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 13 - 16)**

To confirm the confidential minutes of the meeting held on 6 January 2011.

**9. LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - GRC (E3 AND E7) (Pages 17 - 24)**

The Director for Community Services will submit a report on a licensed hackney carriage driver application for exemption.

**10. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - CBS (E3 AND E7) (Pages 25 - 30)**

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

**LUNCH 1PM - 2PM**

**11. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - MJWL (E3 AND E7) (Pages 31 - 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 - AJL (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.

**13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - DCH (E3 AND E7) (Pages 45 - 50)**

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)**

**14. TAXI ENFORCEMENT ACTIVITY REPORT - 2010 (Pages 51 - 60)**

The Director for Community Services will submit a Taxi Enforcement Activity Report for 2010.

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**Licensing Committee (Hackney Carriage)****Thursday 6 January 2011****PRESENT:**

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

Apologies for absence: Councillor Reynolds (Councillor Haydon absent until Agenda Item 108 due to attendance at another Committee)

Also in attendance: Andrea Gilbert (Lawyer), James Hirst (Assistant Licensing Officer) and George Curness (Assistant Licensing Officer).

The meeting started at 10.00am and finished at 4.45pm.

*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.*

**97. DECLARATIONS OF INTEREST**

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

**98. MINUTES**

Agreed that the minutes of the meeting held on 2 December 2010 are confirmed as a correct record.

**99. CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

**100. APPEAL CASES**

The Committee was informed that there was an appeal against the revocation of a Hackney Carriage driver's licence at a previous Committee hearing.

**101. LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - S H KENDALL**

Due to further amendments required to be made to the report, Members agreed to adjourn this hearing until the next available Committee.

102. **EXEMPT INFORMATION**

Agreed that under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public are excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of confidential/exempt information as defined in paragraph 4 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

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

Agreed that the confidential minutes of the meeting held on 2 December 2010 are confirmed as a correct record.

104. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - PFC (E3 AND E7)**

The Committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from PFC;
- (c) heard from PFC's legal representative;
- (d) heard from PFC's employer;
- (e) heard details of recent fixed penalty notices;
- (f) taken into account that all that was said.

Members were concerned that PFC demonstrated a lack of respect for the terms of his licence and have agreed to suspend PFC's Private Hire Driver's Licence for two days in respect of the two breaches of conditions.

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

105. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - MC (E3 AND E7)**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from MC;
- (c) considered an assessment of MC's condition made by his General Practitioner.

Agreed that the application for a lifetime medical exemption is granted.

106. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - JCB (E3 AND E7)**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from JCB;
- (c) considered an assessment of JCB's condition made by his General Practitioner.

Agreed that the application for a lifetime medical exemption is granted.

107. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - GRC (E3 AND E7)**

Due to GRC's non attendance at Committee, Members agreed that his application for exemption is held on file until such time as he contacts the licensing department.

(Councillor Delbridge left the meeting at the end of this item and was not present for items 108, 109, 110)

108. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - STM (E3 AND E7)**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from STM;
- (c) taken into account all that was said.

Agreed the application for a Private Hire Driver's Licence is granted and that STM is required to complete the remaining prerequisites for the grant of a PHD licence and also the VRQ, or equivalent driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the next 12 months once the licence has been issued to him.

(Councillor Haydon was present for the following items 108, 109, 110, 111 and 112)

109. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - CBS (E3 AND E7)**

Members heard that CBS had recently commenced employment and was unable to attend today's hearing. Members agreed to adjourn until the next available committee at which all sanctions against CBS license will be considered.

110. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENSE STATUS - RVM (E3 AND E7)**

The Committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from RVM;
- (c) heard details of RVM's recent road accidents;
- (d) taken into account all that was said.

The Committee feels that RVM's driving standards clearly give rise to concerns for public safety. However, they have agreed having taken into account all of the above to give RVM a warning which will be placed on his file. This will be brought to the attention of the committee should he be brought before them for any reason in the future.

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

(Councillor Delbridge returned to the meeting for this item and was present for items 111 and 112)

111. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - SEM (E3 AND E7)**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from SEM;
- (c) heard SEM's explanation of his offences;
- (d) considered character references supplied by SEM;
- (e) taken into account all that was said.

Agreed that the committee follow their own Plymouth City Council Hackney Carriage and Private Hire Licensing policy and exercise its powers by applying s9 (1) (a) under Plymouth City Council Act, 1975 and refuse SEM's application for the grant of a Private Hire Driver's Licence as they deem SEM not to be a fit and proper person at this time.

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



112. **APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER LICENCE - MAP (E3 AND E7)**

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from MAP;
- (c) taken into account all that was said.

Agreed the application for a Private Hire Driver's Licence is granted and that MAP is required to complete the remaining prerequisites for the grant of a licence and also the VRQ, or equivalent driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the next 12 months once the licence has been issued to him.

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**CITY OF PLYMOUTH**

**Subject:** Licensed Private Hire Driver Review of Licence Status  
**Committee** Licensing Committee (Hackney Carriage)  
**Date:** 3 February 2011  
**Cabinet Member:** Councillor Brookshaw  
**CMT Member:** Director for Community Services  
**Author:** James Hirst – Taxi Licensing Officer  
**Contact:** Tel: 01752 304744 e-mail james.hirst@plymouth.gov.uk  
**Ref:** ERS/LIC/JH/shk  
**Key Decision:** No  
**Part:** I

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**Executive Summary:**

Mr. Samuel Henry Kendall is a Licensed Private Hire Driver, having first been granted a Private Hire driver's licence by the Council on the 11<sup>th</sup> March 2009. Mr. Kendall's present licence is due to expire on the 10<sup>th</sup> March 2011.

On the 09<sup>th</sup> November 2010, a road side inspection was carried out on the Private Hire vehicle driven by Mr. Kendall. Due to the safety faults identified, an immediate Prohibition Notice was served, removing the vehicle from undertaking any further licensed work until such time as the faults were rectified. This report highlights that Mr. Kendall has consistently failed to maintain his licensed vehicle to minimum safety standards that, as a result, compromises the safety of his passengers and other road users.

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

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**Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:**

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

Improving access across the City

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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: e.g. Section 17 Community Safety, Health and Safety, 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.

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**Recommendations and Reasons for recommended action:**

That Members of the Licensing Committee consider this report.

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**Alternative options considered and reasons for recommended action**

None.

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**Background papers:**

(Insert)

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**Sign off:** comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of HR, Corporate Property, IT and Strat. Proc. as appropriate):

Head of Fin		Head of Leg	<b>SD/10676 /18.01.11</b>	Head of HR		Head of AM		Head of IT		Head of Strat. Proc. r.	
Originating CMF Member											

## Report

1. Mr. Samuel Henry Kendall is a Licensed Private Hire Driver, having first been granted a Private Hire driver's licence by the Council on the 11<sup>th</sup> March 2009. Mr Kendall's present licence is due to expire on the 10<sup>th</sup> March 2011.
2. On the 09<sup>th</sup> November 2010, a road side inspection was carried out on a licensed Private Hire vehicle, a blue Vauxhall Vectra, registration number WR05 CYV, plate number 374. Due to the safety faults identified, an immediate Prohibition Notice was served, removing the vehicle from undertaking any further licensed work until such time as the defects were rectified. The details of this report are set out below:

**On 09<sup>th</sup> November 2010 at 20:00hrs on Albert Road, Plymouth during a joint enforcement exercise with Devon & Cornwall Traffic Police.**

The inspection revealed the front nearside tyre was worn to excess due to poor maintenance. Tread readings were taken with an MOT approved depth gauge, which gave the reading of 0.90mm on the outer part of the tread and 0.0mm on the inner part of the tread, legal limit being 1.6mm or above. The Officers served an Immediate Prohibition notice suspending the license of the Private Hire vehicle on the grounds of public safety and the licence plate was removed. A copy of the Suspension Notice is produced at the end of the report.

Mr. Kendall presented the vehicle for inspection on the 10<sup>th</sup> November 2010, the front nearside tyre had been replaced with a tyre which was above the legal limit. The plate was then returned to Mr. Kendall and the prohibition lifted. Since the prohibition was lifted, no further incidents of bad maintenance have been recorded.

3. Members are made aware that on the 11 February 2010, Mr. Kendall appeared before Members of the Licensing Committee where they considered the following matters:

**On 22 August 2009**, during a routine vehicle inspection while on foot patrol in Albert Rd at 14.16, Licensing Officers found Mr. Kendall's vehicle, plate number was 374 and the registration number R65CDA to have two defective front tyres, one of which had been worn to the steel cord on the inner edge. Officers issued an immediate Vehicle Prohibition Notice, which suspended the vehicle licence until the defects had been rectified.

**On 13 December 2009**, during a joint enforcement exercise with Devon and Cornwall Constabulary Traffic Police, on Albert Road at 20.45, a Licensing Officer found Mr. Kendall's vehicle, plate number was 374 and the registration number WR05CYV, to have two tyres worn to excess on the front, one of which was below 50% of the legal limit. The Licensing Officer issued an immediate Vehicle Prohibition Notice, which suspended the vehicle licence until the defects had been rectified.

Mr. Kendall was given an endorseable fixed penalty notice for a defective tyre by Police Officer 6336 at the same time. This means he received a fine of £60 and 3 penalty points on his DVLA licence.

The report outlined Officers concerns regarding Mr. Kendall's inability to adequately maintain the licensed vehicle in his possession in particular, the tyres. Members at that time, decided to extend Mr. Kendall's probationary period for a further 12 months and, on the grounds of public safety, to suspend Mr Kendall's vehicle licence in accordance with S18(1) PCC Act 1975 until his vehicle had gone a full MOT and proof of the MOT was presented to the Licensing Office.

This latest inspection and subsequent suspension of the vehicle is within the further 12 month probationary period.

4. Officers are concerned that Mr. Kendall has repeatedly failed to adequately maintain the vehicle in his possession, in particular the tyres and the hazards that this could have on public safety.

Mr Kendall was the proprietor of the licensed vehicles when the subject of those roadside inspections and has consistently demonstrated a clear lack of regard for passengers and road safety within his probationary period.

5. Since these inspections Mr Kendall no longer owns a licensed vehicle, but now hires the same vehicle, licence number 374, from the current proprietor. This vehicle is now more than 5 years old and, as such, is subject to 6 monthly tests, the next being in March 2011.
6. 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”.***

In deciding whether Mr. Kendall 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 a driver 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, for example, no longer a “fit and proper” person or a breach of a condition of licence has been established.

**Paragraph 8.2** - requires that when considering revocation, the Committee will take into account all relevant facts and circumstances including the 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 before them to complete further training or retraining, should the driver’s suitability to retain a licence be called into question.

8. Members are asked to consider whether Mr. Kendall is a “fit and proper” person in light of the above report, as Officers remain concerned that the lack of maintenance of his own vehicle falls way below the minimum standards required to meet the Licensing Objectives in respect to the road safety of the travelling public.
9. Mr. Kendall has been invited to attend this Licensing Committee in order that this matter may be considered.

**THIS NOTICE HAS IMMEDIATE EFFECT**



Plymouth City Council Act 1975  
Environmental Regulations Service – Licensing Section

Driver / Proprietor: \* MR S KENDALL

Address: 

The following vehicle of which you are the driver / proprietor\* was inspected pursuant to the provisions in section 26 of the Plymouth City Council Act 1975:

Plate no. 374 VRM: WR05 CY V

At (time): 20.00 hrs, on 09/11/10

At (place): ALBERT ROAD

And I am not satisfied as to:

1. Its fitness as a licensed vehicle by reason of the following defects:

(a) F/N/S tyre - excess wear

(b) 0 - 0.90 1

(c) .....

(d) .....

(e) .....

(f) .....

2. The accuracy of its taximeter.

**I therefore give you notice pursuant to section 26 of the Plymouth City Council Act 1975:**

(1) \*That the above defects be rectified within ..... days of the issue of this notice, and the vehicle presented to the issuing officer for further examination.

(2)\*That the vehicle / taximeter must be made available for further inspection at a council approved registered test station for further testing by an authorised vehicle examiner as to its fitness / accuracy.

(3)\*That the vehicle licence is **IMMEDIATELY SUSPENDED** (see Important Note 3 overleaf)

Signed: J. Hirst

Issued by: J. Hirst

For \* Head of Environmental Regulations Service  
\* Chief Constable

**IMPORTANT NOTES**

(1) If an unfit vehicle is used as a Hackney Carriage or Private Hire vehicle, the licence is liable to be SUSPENDED or REVOKED, and the driver may be prosecuted.

(2) If the vehicle is not satisfactorily tested within **2 months** the vehicle licence shall be revoked by virtue of section 26 of the Plymouth City Council Act 1975, and that section 18 sub-sections 2 and 3 shall apply.

\* Delete as applicable

**Continued overleaf**



By virtue of paragraph(s) 3, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**CITY OF PLYMOUTH**

**Subject:** Taxi Enforcement Activity Report - 2010

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

**Date:** 3 February 2011

**Cabinet Member:** Councillor Brookshaw

**CMT Member:** Director for Community Services

**Author:** David Hughes, Senior Environmental Health Officer (Licensing)

**Contact:** Tel. 01751 304158  
e-mail: [licensing@plymouth.gov.uk](mailto:licensing@plymouth.gov.uk)

**Ref:** ERS/LIC/PREM

**Key Decision:** No

**Part:** I

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**Executive Summary:**

This is the second report of its kind and has been compiled to give the Licensing Committee (Hackney Carriage) an overview of the various aspects of the work undertaken by the Taxi Licensing Team in regulating the activities of the taxi and private hire trades, for the benefit of the residents and visitors to Plymouth during 2010.

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**Corporate Plan 2010 – 2013 as amended by the four new priorities for the City and Council:**

This report links to the delivery of the corporate improvement priorities. In particular:

Improving access across the City

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

There are no financial implications associated with this report.

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**Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.**

Members should be aware that Section 17 of the Crime and Disorder Act 1998 puts 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.

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**Recommendations and Reasons for recommended action:**

That Committee note the attached report.

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**Alternative options considered and reasons for recommended action:**

None

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**Background papers:**

None

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**Sign off:**

Fin		Leg	<b>AG/10701/ 20.1.11</b>	HR		Corp Prop		IT		Strat Proc	
Originating CMT Member : Carol Burgoyne											

## **Taxi Enforcement Activity Report – 2010**

### **1.0 Introduction**

1.1 This annual report has been compiled to give Licensing Committee (Hackney Carriage) an update of the work undertaken by the Taxi Licensing Team and other agencies involved in regulating the hackney carriage and private hire trades.

1.2 On the 28<sup>th</sup> July 2008 Council approved the introduction of a Hackney Carriage & Private Hire Licensing Policy effective from the 1<sup>st</sup> November 2008. The policy provided a framework for all future decision making having regard to changes in legislation and recent case law. The principle objectives of the policy are

- Public and Driver Safety and Health
- Vehicle Safety, Comfort and Access;
- To Prevent Crime and Disorder and Protect Consumers
- To Encourage Environmental Sustainability

1.3 The main policy initiatives undertaken during 2010 are set out below:-

- Hydrogen fuel cell technology
- Fees
- Rank review
- On line Privacy Policy
- VRQ training requirements for all probationary drivers
- Preparation for a possible review of the Licensing policy

### **2.0 Main Initiatives During 2010**

Hydrogen fuel cell technology

2.1 The Licensing Policy adopted a vehicle emissions policy that set EURO technology standards to be applied to all vehicles after specified dates, these are;

- Vehicles licensed after the 1<sup>st</sup> April 2009 must comply with Euro II technology standards
- Vehicles licensed after the 1<sup>st</sup> April 2010 must comply with Euro III technology standards
- Vehicles licensed after the 1<sup>st</sup> April 2012 must comply with Euro IV technology standards

2.2 This policy was the subject to a further separate public consultation during 2009 and after due consideration the Cabinet Member responsible for taxis, under delegated decision, approved that the policy should remain unchanged.

2.3 Last year a local company has promoted a device that uses hydrogen fuel cell technology as a purports to reduce carbon dioxide and other exhaust emissions to levels that when fitted negates the need to

replace a vehicle to comply with the technology standards set out above. Officers took the decision not to reject the technology but to seek further expert advice and in the meantime to accept the installation of these devices in good faith until such time as whether or not the device could be properly accredited. If satisfactory accreditation is not forthcoming then the device will not be accepted and all vehicles that have had the device fitted will be requested to remove the device within a specified time to comply with the existing vehicle specifications.

#### Fees

- 2.4 Following detailed discussions with hackney carriage trade representatives on measures to balance the trade account, a report was considered by Members in March, when an increase of 10% was approved. A further annual report will be presented to Members in due course to ensure that the fees table is appropriately adjusted to ensure a balanced account within 3 years. The Private Hire account currently remains in surplus.

#### Rank Reviews

- 2.5 Officers coordinated a rank review for the Barbican and Park St, Devonport during 2010 and the results of the public consultations are currently being considered. A further report will be prepared for Cabinet Member for consideration in due course. It is fair to say that both have raised complex issues that require detailed consideration so that needs and aspirations of the users of the night time economy, licensed premises, local residents and businesses remain balanced.

#### On-line Privacy policy

- 2.6 Members will be aware that the Council is required to maintain a public register and in keeping with current eGov provisions the Council has an online licensing public register allows remote access. Officers received representations from two licensed drivers requesting that their names are withheld due to personal circumstances. Following protracted deliberations in consultation with the Corporate Information Officer and the software provider an Online Privacy Policy was developed that set out the Council's policy towards providing access to online public register information and lays down the procedure to be followed where an individual may request that their details is withheld.

#### VRQ training requirements for all probationary drivers

- 2.7 Members will be aware that since 1 November 2008 all drivers issued with a probationary drivers licence are required to complete a VRQ (or equivalent) training qualification in Transporting Passengers by Taxi and Private Hire within the 12 months of first being issued with a licence. Officers have recently completed a comprehensive review of all drivers issued with a probationary licence since the inception of this policy and apart from a few exceptions all probationary drivers have complied. Officers are currently speaking to those drivers who have not complied with this requirement to ensure compliance.



Due to the availability of subsidised training opportunities it is evidence that many existing drivers have also taken advantage and have also completed a course.

### **3.0 Licensing Process**

- 3.1 Licensing Officers with administrative support, undertake all aspects of the taxi licensing function covered by the Plymouth City Council Act 1975, Town Police Clauses Act 1847 and associated legislation. These responsibilities cover the regulatory process of licensing hackney carriage vehicles and drivers; private hire vehicles and drivers; and private hire operators.
- 3.2 During 2010 officers processed approaching 3298 applications for the range of taxi licensable services including new applications, renewals, transfers, notifications, changes in circumstances (i.e. convictions, change of address etc). The focus of this operation is the taxi licensing desk that is manned during Council opening hours.
- 3.3 This represented 178 new applications for hackney carriage and private hire driver licences; 542 renewal applications for driver licences; 296 applications for cancellation or surrender and 1650 separate vehicle applications that include new, changes and renewals. The remaining includes private hire operator licences, restricted driver licences, transfers and special events vehicle licences. This represents an overall increase of approximately 300 when compared with last year figures.
- 3.4 Licensing Committee (Hackney Carriage) held 11 meetings throughout 2010 to consider reports dealing with new applicants with relevant convictions, referrals for breaches in discipline and medical exemptions. Members considered 25 new applications and of those 2 were refused on the grounds that the person was not a 'fit and proper' person to hold a licence. Members considered 29 referrals for disciplinary breaches where convictions called into question the ability or willingness of a licensed driver to remain 'fit and proper' and be able to continue to promote the licensing objectives. Of those considered, 5 drivers had their licences revoked, 13 suspensions were issued and 7 were additionally required to retake their driving standards test or obtain a VRQ or equivalent training qualification.
- 3.5 Three appeals were subsequently submitted to the Magistrates' Court and Crown Courts in respect of Members decisions. All three appeals were dismissed (i.e. ruled in favour of the Members decision).

### **4.0 Enforcement Options**

#### General

- 4.1 A key part of the enforcement strategy is to ensure that Officers apply regulatory standards to the hackney carriage and private hire trades so that they meet the needs and aspirations of the travelling public. To

assist in maintaining passenger safety, the Council appointed a third Taxi Enforcement Officer in the October of last year.

4.2 A range of enforcement measures are used to ensure that drivers and their vehicles maintain a minimum safety standard, these measures include;

- evening and daytime rank patrols
- roadside vehicle inspections
- joint enforcement operations
- complaint investigation
- advice and education
- provision of advice and information

#### Patrols

4.3 Officers undertake hi-viz daytime and evening patrols to ensure that the hackney carriage and private hire trades comply with the standards outlined in the Licensing Policy, conditions of licence and byelaws; and other associated regulations. The objective is that the proprietors provide safe licensed vehicles and that driver's provide the standard of driving and customer care expected when transporting passengers.

4.4 During the course of these patrols officers use a range of enforcement options these include the following;

- Immediate Prohibition (served to remove unsafe vehicles from the road)
- Vehicle defect reports (served to notify the proprietor/driver of less serious works that require resolution within a specified time)
- Fixed Penalty Notices (for smoking offences)
- Referral to Licensing Committee (Hackney Carriage)
- Referral for Prosecution
- Verbal and written warnings
- General advice and education

4.5 Taxi and Private Hire vehicles require a 12 month compliance test and for vehicles of 5 years of age or more, a 6 months compliance test. A compliance test represents an inspection at a 'given point in time' and does not provide a guarantee of roadworthiness for the duration of the certificate. To maintain vehicle safety standards Officers undertake roadside visual inspections to identify licensed vehicles that fall below these specified safety standards. During 2010, officers conducted **526** roadside vehicle inspections checking for unsafe tyres, defective lights, cleanliness, damage and functioning taximeters. These inspections resulted in 158 (30%) immediate prohibitions being issued, primarily for defective tyres and lights; a further 171 (32%) vehicle defect reports were issued requesting that non-urgent repairs are carried out within a specified time. These visual inspections are not always random and

frequently the experienced eye will lead an officer to select vehicles where defects are likely to be found.

- 4.6 Although the number of immediate prohibition notices issued with stop notices remains disappointingly high, this high profile approach lets the trade know that unsafe vehicles will not be tolerated and promotes awareness that all drivers should undertake a daily vehicle check before carrying passengers.
- 4.7 There has been a significant increase in the overall number of roadside vehicle inspections then compared with 2009 (2009 – 350; 2010 – 526). The number of roadside inspections has increased as Officers consider this enforcement option as very effective in identifying potentially unsafe licensed vehicles. The percentage of immediate prohibition notices (35% to 30%) and vehicle defect notices (39% to 32%) issued has reduced slightly from when compared with 2009. However, they remain significantly high and Officers will continue to carry out roadside inspections and work with the trade to reduce the percentage of failure rate. In addition one further successful prosecution was taken against an uninsured driver.
- 4.8 During routine patrols officers also have regard to smoke-free requirements that apply to hackney carriages and private hire vehicles. During 2010 officers issued 29 fixed penalty notices (FPN's) to drivers who were observed smoking in their licensed vehicles and a further 1 FPN's was issued to a driver for failing to display the appropriate smoke-free signs within the vehicle.
- 4.9 There were 3 occasions where a driver has not taken the opportunity to discharge the offence by the payment of a fine or opted not to accept the FPN. In these cases 2 were subsequently successfully dealt with in the Magistrates Court.

#### Operation Evershot

- 4.10 Officers continue to work closely with other enforcement agencies in particular the traffic police. During these specific joint enforcement operations 80 roadside vehicle inspections were undertaken when 29 (36%) immediate prohibitions and 22 (28%) vehicle defect notices were issued. These numbers remain reasonably consistent with the overall percentage failures stated above. During these operations the Police also use their own enforcement powers by issuing fixed penalties for offences such as bald tyres and tinted glass offences. These operations have been very successful in promoting combined enforcement operations with the trade.

#### Insurance Checks

- 4.11 Drivers are currently able to operate with short term insurance cover. It has been suspected that drivers could be working without insurance cover where regular payments are not maintained. Three joint

enforcement operations with the police were undertaken during 2010 where the Police Officer could carry out the appropriate real time insurance checks. 41 checks were carried out and to date no uninsured vehicles have been identified. Further operations will be undertaken during 2011.

Plying for Hire

- 4.12 Officers coordinated a plying for hire test purchase operation in December to identify any private hire drivers who were prepared to take a fare that had not been pre-booked. The operation was successful in that no driver was identified as being prepared to take such a booking.

Training and Awareness

- 4.13 Officers have sought to provide all drivers with the relevant information to ensure that they remain up-to-date with current operating practices. This is undertaken during routine patrols where Officers are able to answer questions and where appropriate hand out specialist information sheets that are also available on the Council licensing website.

**5.0 Work Initiatives for 2011**

- 5.1 Officers will continue to undertake routine and targeted enforcement operations to ensure that the taxi and private hire trades promote the licensing objectives to provide an efficient and flexible service that contributes positively to the transport needs to the local population.
- 5.2 Joint operations with other enforcement agencies such as the traffic police will continue to target unsafe vehicles. Where repeat offending is identified Officers will continue to bring the offenders before Committee for Members to consider whether the driver remains 'fit and proper' to hold a licence. Officers will continue to liaise with trade groups to promote vehicle safety and personal responsibility and investigate other ways to improve vehicle standards.
- 5.3 Subject to work demands the Licensing Policy will be the subject of review during 2011, to ensure that it remains effective in regulating the taxi and private hire trades. It is intended to run a public consultation to obtain the widest range of views including those from the trade, interested parties, disability groups and other organisations that rely on this transport sector.
- 5.4 The Council currently operates a limit on the number of hackney carriage licences issued and this policy will need to be the subject of a public consultation over the next few months. Having considered all relevant representations, if the Council decide to retain a limit then an unmet demand survey will then be commissioned to satisfy the need for such a policy.

5.5 Officers will continue to explore ways of improving rank provision throughout the City. Public consultations for the Barbican and Park St, Devonport have recently ended and Officers are currently considering the representations submitted and will prepare a further report for Cabinet Member consideration in due course.

**6.0 Conclusion**

6.1 This report has sought to provide members with an insight into the range of work initiatives and enforcement options that Officers use to regulate the licensed hackney carriage and private hire trades within Plymouth. It also highlights the major policy initiatives planned for the next 12 months and how we will continue to interact with partner agencies to ensure that resources are targeted effectively.

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