

Public Document Pack



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Please ask for Ross Johnston, Democratic Support Officer e-mail ross.johnston@plymouth.gov.uk

LICENSING COMMITTEE (HACKNEY CARRIAGE)

DATE: THURSDAY 3 MARCH 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 3 February 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 DRIVER LICENCE STATUS - L M TANASE (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 - 14)

To confirm the confidential minutes of the meeting held on 3 February 2011.

9. LICENSED PRIVATE HIRE DRIVER REVIEW OF DRIVER LICENCE STATUS - JMF (E3 AND E7) (Pages 15 - 20)

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

10. LICENSED PRIVATE HIRE DRIVER REVIEW OF DRIVER LICENCE STATUS - RCM (E3 AND E7) (Pages 21 - 24)

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

11. LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF DRIVER LICENSE STATUS - PMI (E3 AND E7) (Pages 25 - 30)

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

12. LICENSED PRIVATE HIRE DRIVER REVIEW OF DRIVER LICENSE STATUS - DG (E3 AND E7) (Pages 31 - 36)

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

LUNCH 1PM - 2PM

PART I (PUBLIC COMMITTEE)

13. LICENSED PRIVATE HIRE VEHICLE REVIEW OF VEHICLE LICENCE - A L WHEELER (Pages 37 - 48)

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

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Licensing Committee (Hackney Carriage)

Thursday 3 February 2011

PRESENT:

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

Apologies for absence: Councillor Fox

Also in attendance: Sharon Day (Lawyer), James Hirst (Assistant Licensing Officer), Mark Small (Senior Licensing Officer) and Andy Netherton (Principal Environmental Health Officer)

The meeting started at 10.00am and finished at 3.40pm.

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.

113. **DECLARATIONS OF INTEREST**

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

114. **MINUTES**

Agreed that the minutes of the meeting held on 6 January 2011 are confirmed as a correct record.

115. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

116. **APPEAL CASES**

The committee was advised that there had been no new appeal cases since the last committee meeting.

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

The committee having –

- (a) considered the report from the Director for Community Services;
- (b) heard from Mr Kendal;
- (c) heard from Mr Kendal's employer;

(d) taken into account that –

- Mr Kendall had appeared before the committee approximately twelve months ago following two failed vehicle inspections for dangerously defective tyres and had his probationary period extended for a further twelve months and had his vehicle licence suspended until the vehicle had been MOT'd;
- on the 6 November 2010 Mr Kendall again failed a vehicle inspection with dangerously defective tyres and was issued with a stop notice;
- Mr Kendall was no longer the proprietor of the vehicle but was still the licensed driver of the vehicle;
- Mr Kendall had committed no offences in the last six months;
- Mr Kendall apologised for what had happened and confirmed he had taken the VRQ;
- Mr Kendall's employer assured the committee that they would be checking the tyres of their drivers' vehicles weekly;

(e) the committee were concerned that –

- within the last fifteen months Mr Kendall had been picked up for five defective tyres. This demonstrated a lack of regard for passengers and for public safety within his probationary period;
- Mr Kendall had been given a chance by the committee previously but had still failed to maintain his vehicle correctly;
- despite the assurances given by the operator, the driver was responsible for checking the safety of their vehicle and there was no guarantee that Mr Kendall would remain with this operator.

Agreed that having taken into account all of the above the committee did not consider that Mr Kendall was a fit and proper person to retain his Private Hire Driver Licence as vehicle safety is of vital importance in protecting the public and due to his lack of regard for the same he raised concerns for public safety and therefore his licence is revoked.

118. **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 3 and 7 of Part 1 Schedule 12A of the (Local Government Access to Information) Act 1985, as amended by the Freedom of Information Act 2000.

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

Agreed that the confidential minutes of the meeting held on 6 January 2011 are confirmed as a correct record.

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

The committee having –

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

Agreed that the application for a lifetime medical exemption certificate from assisting and carrying wheelchair users in his Hackney Carriage be granted.

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

The committee having –

- (a) considered the report of the Director for Community Services;
- (b) heard from CBS;
- (c) heard CBS's explanation of his offence;
- (d) taken into account all that was said.

Agreed that in light of the information contained within the report and CBS' own admissions the committee considered that CBS was no longer a fit and proper person to retain a private hire drivers licence due to concerns for public safety and a lack of commitment to work with the Police and Licensing Authority which are relevant considerations under the Council's licensing objectives. CBS' private hire driver's licence is therefore revoked.

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

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

The committee having –

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

Agreed the application for a Private Hire Driver's Licence is granted and that MJWL is required to complete the medical examination before obtaining his licence and also the VRQ, or equivalent driver qualification in 'Transporting Passengers by Taxi and Private Hire' within the first 12 months of being granted this licence.

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

The committee having –

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

Agreed the application for a Private Hire Driver's Licence is granted and that AJL is required to complete all the 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 first 12 months of being granted this licence.

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

The committee having –

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

Agreed the application for a Private Hire Driver's Licence is granted and that DCH is required to complete all the 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 first 12 months of being granted this licence.

(Councillor Drean left the meeting at the end of this item and was not present for item 125)

125. **TAXI ENFORCEMENT ACTIVITY REPORT - 2010**

Andy Netherton, the Principal Environmental Health Officer (Licensing) presented an Enforcement Activity Report for 2010. The report outlined the main policy initiatives undertaken during 2010, enforcement statistics and the work initiatives planned for 2011.

In response to questions raised it was reported that –

- (h) if any contractor was employed to undertake a survey to determine any unmet demand for taxi services, it would have to go through the usual procurement process;
- (i) although cars were now able to pick up near Marks and Spencer's, City Centre, if a request was made to implement a taxi rank there it would need to undergo an Equality Impact Assessment and a consultation which would involve the Devon and Cornwall Constabulary and Highway's department;
- (j) the Equality Act 2010 would tell authorities what percentage of their fleet must be wheelchair accessible.

Andy Netherton, the Principal Environmental Health Officer (Licensing) was thanked for his attendance.

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CITY OF PLYMOUTH

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

Committee Licensing Committee (Hackney Carriage)

Date: 3 March 2011

Cabinet Member: Councillor Brookshaw

CMT Member: Director for Community Services

Author: James Hirst – Licensing Officer

Contact: Tel: 01752 304744
e-mail: james.hirst@plymouth.gov.uk

Ref: ERS/LIC/JH/lt

Key Decision: No

Part: I

Executive Summary:

Mr. Liviu Marian Tanase is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 19th December 2008. His current licence is due to expire on 19 December 2013.

On 20 December 2010 Mr. Tanase attended an appointment at the Civic Centre to renew his Private Hire driver's licence. During that appointment, it was noted that Mr. Tanase had received a conviction on his DVLA licence, and two Fixed Penalty Notices none of which had been reported in the correct manner.

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

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

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

Not applicable.

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.

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	AZG/10776/4.2.2011	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

Report

1. Mr. Liviu Marian Tanase is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 19th December 2008. His current licence is due to expire on 19 December 2013.
2. On the 29th November 2010, Mr. Tanase contacted the Licensing Department by telephone to advise that he had changed his address. During the telephone conversation, Mr Tanase asked if we had received any notification that he had received penalty points on his DVLA Licence back in September 2009. An inspection of his file showed that no notification had been received.
3. On the 13th December 2010 Mr. Tanase contacted the Licensing Department by telephone to advise that he had received points on his DVLA driving licence in February 2010. During that conversation, he also informed us that another 3 penalty points to be added to his DVLA Licence for an offence in December 2009.
4. On 20 December 2010 Mr. Tanase attended an appointment at the Civic Centre to renew his Private Hire driver's licence. During that appointment, it was confirmed that Mr. Tanase had received a conviction and two Fixed Penalty Notices on his DVLA licence, none of which had been reported in the correct manner.

Details of these motoring endorsements are given below.

On 21st September 2009 at Plymouth Magistrates Court:

Mr Tanase was convicted of Exceeding the Statutory Speed Limit on a Public Road on 13th April 2009.

Fined £60 and had his DVLA licence endorsed with 4 penalty points

On 15th December 2009

Mr Tanase was issued with a Fixed Penalty Notice for Exceeding the Statutory Speed Limit on a Public Road.

DVLA driving licence endorsed with 3 Penalty Points.

On 10th February 2010

Mr Tanase was issued with a Fixed Penalty Notice for Failing to Comply with Traffic Light Signals, his DVLA driving licence endorsed with 3 penalty points.

At the time of writing this report Mr Tanase has 10 penalty points endorsed on his DVLA driving licence. Members are also made aware that Mr Tanase was a Licensed Private Hire Licence holder at the time the above offences were committed.

5. 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”.

6. In deciding whether Mr. Tanase 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** – e.g.
 - 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** – 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)
- 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 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 licensing objectives, 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 drivers’ suitability to retain a licence be called into question.

Guidance on the Relevance of Convictions

Paragraph 1 – states that a criminal record does 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 conviction is a relevant offence for considering the suitability of a person to retain a licence.

Paragraph 6 – states that driving licence endorsements which includes fixed penalties are highly relevant, although having an endorsement will not automatically preclude a person from holding a Licence.

Paragraph 8 – states that any driver who receives a 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.

7. 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. Tanase has breached this condition of licence, as there is no trace of him having complied with this condition in respect of this conviction.

8. Members are asked to consider whether Mr Tanase is a “fit and proper” person in light of the above motoring convictions and breach of licence condition.
9. Mr. Tanase 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 Private Hire Vehicle – Review of Vehicle Licence
Committee Licensing Committee (Hackney Carriage)
Date: 3 March 2011
Cabinet Member: Councillor Peter Brookshaw
CMT Member: Director for Community Services
Author: George Curness - Licensing Officer
Contact: Tel: 01752 307964
e-mail: george.curness@plymouth.gov.uk
Ref: ERS/LIC/GC/1114
Key Decision: No
Part: I

Executive Summary:

Mr. Andrew Leslie Wheeler is Private Hire vehicle proprietor, having first been granted a Private Hire vehicle licence by the Council on the 12 March 2009 to a Ford, registration number EF51UBA, with a licence number 1114. The current licence is due to expire on 11 March 2011 .

On the 1 February 2011, an inspection was carried out on the Private Hire vehicle when it was noted that the vehicle did not comply with the Private Hire vehicle specifications attached to its licence.

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

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

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

Not applicable.

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.

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: 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	AG/10951/21.2.11	Head of HR		Head of AM		Head of IT		Head of Strat. Procurement	
Originating CMF Member											

Report

1. Mr. Andrew Leslie Wheeler is Private Hire vehicle proprietor, having first been granted a Private Hire vehicle licence by the Council on the 12 March 2009 to a Ford, registration number EF51UBA, with a licence number 1114. The current licence is due to expire on 11 March 2011 .
2. On the 1 February 2011, an inspection was carried out on the Private Hire vehicle when it was noted that the vehicle did not comply with the Private Hire vehicle specifications attached to its licence.
3. Members are made aware that the Private Hire conditions of vehicle licence state at paragraph 1 that the vehicle shall only be licensed by Plymouth City Council and shall comply with all the requirements contained within the Council's "Specifications for Private Hire Vehicles", which is included in the Council's Hackney Carriage and Private Hire Licensing Policy.
4. The Private Hire vehicle specifications, and in particular Paragraph 1, states

Additionally, all vehicles must have a category M1 classification.

And paragraph 5 (a)

All vehicles must have at least four doors, excluding any tailgate.

A copy of these specifications are reproduced at the end of this report as Appendix A

5. On 1 February 2011, an inspection of the vehicle documents revealed that the registration document stated that the vehicle was an N1 classification, which indicates that the vehicle is a goods vehicle. This could have implications regarding safety of seating, and crumple zones built within passenger vehicles but may not be included in goods vans. An Individual Vehicle Approval check would normally be required before allowing such a vehicle to convey passengers safely. It was noted that the vehicle had three doors for passengers to exit the vehicle and officers had concerns regarding;
 - passenger comfort,
 - safe access and egress,
 - passenger safety, in particular, in an emergency situation.

It is for these reasons that 4 doors are included as a vehicle specification. It was noted that it had rear two doors marked "emergency exit" which could be opened from the interior of the vehicle, but had to be accessed by passengers manoeuvring over a tail lift which has a raised board, with a large step down to exit the vehicle to the floor, which was not marked. Floor markings indicated that it was not for passengers to stand at the extreme rear of the vehicle.

These issues indicated that the vehicle did not comply with the vehicle specifications. Mr Wheeler voluntarily submitted the licence plate to the Licensing Officer. A copy of the suspension notice is produced as Appendix B. A copy of the registration document is reproduced as Appendix C.

6. Members are made aware that Mr Wheeler sent the vehicle to a registered testing station for approval on several occasions, where the vehicle was deemed to comply with vehicle specifications. This was not a correct assessment and the testing station should have failed the compliance test. Officers have since dealt with the testing station as a separate matter.
7. The actions open to Members are those contained in Section 18(1) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a Private Hire vehicle for:-

(a) that the Hackney carriage or Private Hire vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle

or (b) any other reasonable cause

In deciding whether this vehicle is fit for purpose, 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 2.1 - States that the Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence.

Paragraph 2.2 - Paragraph 2.2 - In accordance with those powers the Council has set standard conditions of licence with respect to hackney carriages and private hire. These are provided in Appendix D to F. However where it considers it reasonably necessary additional conditions may be imposed. In considering what is reasonably necessary the Council will take into account its licensing objectives.

Chapter 3 – Vehicle Specifications

Paragraph 2.1 - All vehicles which are presented to the Council for licensing, and all vehicles whilst licensed must comply with the vehicle specifications contained within Appendix P, Q & R.

Paragraph 2.3 - The Council whilst making standard conditions of licence and vehicle specifications, may amend those conditions and specifications, or make additional conditions for a vehicle, as individual circumstances require.

Chapter 4 – Enforcement Policy

Paragraph 7.2 - Vehicles will be subject to periodic, random inspections by Authorised Officers of the Council or its agents (e.g. VOSA) to ensure the vehicle and/or its taximeter is fit for purpose.

Paragraph 7.3 - Where the Licensing Committee (Hackney Carriage) is satisfied that a vehicle fails in any respect to meet any specification or condition of license or the relevant construction and use regulations required by law they may suspend, revoke or refuse to renew a vehicles license for any specified period.

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.

8. Options open to Members are mentioned in Paragraph 7, Members also have the option to take no action. Members are in this instance unable to impose additional conditions to the vehicle licence as they are only able to impose additional conditions on the grant of a vehicle licence (Plymouth City Council Act section 5 (2))
9. Members are asked to consider whether this vehicle is fit for purpose in light of the above report, as Officers remain concerned that as the vehicle does not comply with vehicle specifications. It falls below the minimum standards required to meet the Licensing Objectives in respect to the safety of the travelling public. In order to assist Members, photographs of the vehicle are reproduced as Appendix D.
10. Mr. Wheeler has been invited to attend this Licensing Committee in order that this matter may be considered. He has also been requested to make the vehicle available for Members to inspect the vehicle.

Specifications for Private Hire Vehicles

Made by virtue of section 5(1)(a) of the Plymouth City Council Act 1975



1. Plymouth City Council may licence as a Private Hire vehicle, any vehicle suitable for carriage of up to and including eight passengers provided that it has European Whole Vehicle Certification, and such vehicle complies with the requirements as laid down in these vehicle specifications and those of the Testing Addendum. Vehicles with a Low Volume Certification will be considered on an individual basis. Such vehicles may, if the Council so require, be presented to the Vehicle Inspectorate (or Council approved testing centre) for examination and receive from them a report indicating that the vehicle is fit for use as a Private Hire vehicle, prior to the issue of a licence plate from the Council. The fee for such test, which shall be determined by the Vehicle Inspectorate (or Council approved testing centre) shall be met by the vehicle owner, or such person presenting the vehicle for test. Costs **will not** be met by the Council. The vehicle must not be of such design or type as to lead the public at large to be confused with a Hackney Carriage. Additionally, all vehicles must have a category M1 classification.
2. All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing. Including any conditions of licence issued by the Council.
3. The body must be a fixed head type. A sunroof may be fitted.
4. The steering wheel and driving controls must be fitted to the off side of the vehicle and shall have been at the time of registration.
5.
 - (a) All vehicles must have at least four doors, excluding any tailgate.
 - (b) Estate and MPV type vehicles must be fitted with a grille or other manufacturer approved device, which prevents luggage entering the passenger compartment.
 - (c) All vehicles should have a wheelbase of at least 96" (2.4384 metres) and an engine size not less than 1290cc.
6.
 - (a) Windows must be provided at the sides and rear of the vehicle.
 - (b) Rear passenger door windows must be available for adjustment.
 - (c) No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.
 - (d) Vehicles with third row of seats fitted at the rear of the vehicle must have ventilation windows available in the absence of an approved Air Conditioning system.
7.
 - (a) Passenger doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
 - (b) Approved central locking systems are permitted and must be in full working order. Double catches of approved types must be fitted to all doors.
 - (c) The door to the offside of the vehicle fitted with sliding doors, must be capable of being

THIS NOTICE HAS IMMEDIATE EFFECT

Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor: * A. WHIGGLES

Address: 281
CLONMILL TARRIS

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. 1114 VRM: EF51UBA

At (time): 10.45 hrs, on 1-2-11

At (place): BURRINGTON WAY

And I am not satisfied as to:

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

- (a) DOGS NOT COMPLETELY WITH
(b) VEHICLE SPECIFICATIONS
(c) PLATE REMOVED BY
(d) OWNER
(e) OWNER
(f) OWNER

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: S. CUNNINGHAM

Issued by: S. CUNNINGHAM

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

UK Registration Certificate (V5C)

4 Vehicle Details	
A Registration Mark	EF51 UBA 2 [A.1] Validation character 5 3
B Date of first registration	20 02 2002
[B.1] Date of first registration in the UK	20 02 2002
D.1 Make	FORD
D.2 Model/Type	TRANSIT 300 SWB TD
Variant	
Version	
D.3 Body type	MINIBUS
[X] Taxation class	LIGHT GOODS VEHICLE
[Y] Revenue weight	2880 KG GROSS
P.1 Cylinder capacity (cc)	1998 CC
V.7 CO ₂ (g/km)	
P.3 Type of fuel	HEAVY OIL
S.1 Number of seats, including driver	8
Number of standing places (where appropriate)	
[D.4] Wheelplan	2-AXLE-RIGID BODY
J Vehicle Category	N1
K Type approval number	022P111T
P.2 Max. net power (kW)	
E VIN/Chassis/Frame No.	WF0VXXBDFV1C88833
P.5 Engine Number	1C88833
F.1 Max. permissible mass (exc. m/c)	
G Mass in service	
Q Power/Weight ratio (kW/kg) (only for motorcycles)	
R Colour	WHITE
O Technical permissible maximum towable mass of the trailer	
O.1 braked (kg)	
O.2 unbraked (kg)	
U Sound level:	
U.1 stationary (dB(A))	
U.2 engine speed (min-1)	
U.3 drive-by (dB(A))	
V Exhaust Emissions:	
V.1 CO (g/km or g/kWh)	
V.2 HC (g/km or g/kWh)	
V.3 NOx (g/km or g/kWh)	
V.4 HC+NOx (g/km)	
V.5 particulates (g/km or g/kWh)	

5 Registered Keeper

C.4.c - The Registered Keeper is not necessarily the legal owner.

C.1.1 **CROWN HILL TAXI SERVICES LTD**C.1.3 **4 SKYLARK RISE
PLYMOUTH
PL6 7SN**I **ACQUIRED VEHICLE ON 26 02 2009**
Please write in **BLACK INK** CAPITAL LETTERS.**6 New Keeper or New Name/Address Details**

Mr 1	Mrs 2	Miss 3	Please tick <input checked="" type="checkbox"/> the appropriate box	W 4
Title (e.g. Ms/Rev. etc) or business name				5
Forename(s) in full				6
Surname				6
For Company use only DVLA/DVLI Fleet number				7
Date of Birth				8
Postcode				9
Address				10
Post town				11
New keeper? If so, tick <input checked="" type="checkbox"/> here:				12
Date of sale or transfer				13
* Driver Number				14
* Present mileage (to last complete mile)				15
* You are not required by law to provide your Date of Birth, Driver Number or present mileage				
ONLY tick <input checked="" type="checkbox"/> if you personally break up the vehicle				16
Date of scrapping				17
See notes on scrapping in Guidance Notes				18
Wheelplan / Body type				19
VIN / Chassis / Frame No.				20
New revenue weight				21
Date of change				22
Cylinder capacity				23
No. of seats, inc. driver				24
No. of standing places				25
Type of fuel				26
Engine number				27
New colour				28
Date of change				29
CLR				30
Taxation class*				31
Y				32

8 Declaration - You MUST sign and date this section when notifying any changes. Please see note opposite	
Registered Keeper (to sign when notifying any change). I declare that the new details I have given are true to the best of my knowledge.	New Keeper: I declare that this vehicle was sold or transferred to me on the date shown in Section 6 and my name and address are correctly shown.
Registered Keeper (Seller) _____ Date _____	New Keeper (Buyer) _____ Date _____
The Law: If the vehicle is sold or transferred, both the Registered Keeper and the New Keeper must sign this Certificate.	

Official use only - Please do not write below this lineDoc. Ref. N° **9069 534 0415** 10 03 09
Des. Codes **1093298820 / 1009** 41**EF51 UBA** 5

& 33 ISC 34 PR 35 CM 36

MK 37
MD 38

Official Use Only





Shows “tail board” and marking to stop passengers standing on rear of vehicle



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