



Barry Keel
Chief Executive

Plymouth City Council
Civic Centre
Plymouth PL1 2AA

www.plymouth.gov.uk/democracy

Date: 11 April 2012

Please ask for: Helen Wright, Democratic Support Officer
T: 01752 304022 E: helen.wright@plymouth.gov.uk

TAXI LICENSING COMMITTEE

Date: Thursday 19 April 2012

Time: 10.00 am

Venue: Council House (Next to the Civic Centre)

Members:

Councillor Reynolds, Chair

Councillor Delbridge, Vice Chair

Councillors Bowie, Churchill, Haydon, Mrs Nicholson and Rennie.

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 of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

Barry Keel
Chief Executive

TAXI LICENSING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

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 - 4)

To confirm the minutes of the meeting held on 22 March 2012.

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. VEHICLE PROPRIETORS (Pages 5 - 8)

The Director for Place will submit a report on vehicle proprietors.

7. REQUEST FOR OFFICER DELEGATED AUTHORITY TO GRANT MEDICAL EXEMPTIONS (Pages 9 - 16)

The Director for Place will submit a report on the request for officer delegated authority to grant medical exemptions.

8. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - A J ENGLAND (Pages 17 - 20)

The Director for Place will submit a report on a licensed private hire driver review of licence status.

**9. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW (Pages 21 - 28)
OF LICENCE STATUS - M O MINDRUTESCU**

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

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 I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

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

11. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 29 - 32)

To confirm the confidential minutes of the meeting held on 22 March 2012.

**12. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW (Pages 33 - 38)
OF LICENCE STATUS - PS (E3 AND E7)**

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

**13. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW (Pages 39 - 44)
OF LICENCE STATUS - KLD (E3 AND E7)**

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

**14. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW (Pages 45 - 50)
OF LICENCE STATUS - PEFH (E3 AND E7)**

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

**15. LICENSED HACKNEY CARRIAGE DRIVER - (Pages 51 - 60)
APPLICATION FOR EXEMPTION - AEJ (E3 AND E7)**

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

Taxi Licensing Committee

Thursday 22 March 2012

PRESENT:

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

Apologies for absence: Councillors Churchill and Mrs Nicholson.

Also in attendance: George Curness (Licensing Officer), Sharon Day (Lawyer) and Helen Wright (Democratic Support Officer).

The meeting started at 12.00 pm and finished at 2.40 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.

130. DECLARATIONS OF INTEREST

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

131. MINUTES

Agreed that the minutes of the meeting held on 23 February 2012 are confirmed as a correct record subject to the following amendment minute 120 refers 'it had never been the intention for the report to be in part II'.

132. CHAIR'S URGENT BUSINESS

The Chair advised that -

- (a) a report regarding the grant of medical exemptions would be submitted to the April meeting of the committee. The report would recommend the delegation of authority to grant wheelchair exemptions to officers;
- (b) a report would be brought to the April committee dealing with the fitness of vehicles hired from proprietors so that the matter could be fully discussed by the committee.

With regard to (b) above and with the permission of the Chair, the licensing officer provided the following summary –

- (c) a check had been undertaken, following concerns raised by the committee regarding the fitness of vehicles that were hired from proprietors;
- (d) the check had highlighted the following –
- one proprietor who owned eight vehicles had all his vehicles stopped within the last 16 months;
 - on 11 occasions faults had been found;
 - on four occasions the licenses had been suspended for tyre faults;
- (e) the proprietor had been contacted and had advised the licensing officer that he had a tyre contract with a local company who would replace any tyre that needed it and that he had a spare vehicle which could be used for emergency purposes;
- (f) the largest fleet owner had its own garage where tyres/repairs were undertaken; the proprietor also had a signed contract with the drivers stating that the driver should check the vehicle including the tyres on a daily basis.

(In accordance with Section 100(B)(4)9B) of the Local Government Act 1972, the Chair brought forward the above items for urgent consideration because of the need to inform councillors).

133. **APPEAL CASES**

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

134. **EXEMPT INFORMATION**

Agreed that under Section 100A(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 involved the likely disclosure of exempt information as defined in paragraphs 3 and 7 of Part I Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

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

Agreed that the minutes of the meeting held on 23 February 2012 are confirmed as a correct record.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from OAA.

The committee agreed to grant OAA a private hire driver's licence subject to him taking the driving test, knowledge of Plymouth test, medical examination and within the first 12 months of being licensed, complete the VRQ level II driver qualification in Transporting Passengers by Taxi and Private Hire or equivalent qualification.

(Please note there is a confidential minute to this minute).

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

The committee –

- (a) considered the report from the Director of Place;
- (b) heard from NJM.

The committee agreed that rather than requiring the production of a certificate of good conduct they would require NJM to produce a statutory declaration confirming why he is not able to obtain a certificate of good conduct and also declaring any convictions he has received in the past. If there are no previous convictions then the declaration should record this. This should be produced to the licensing department who will then refer the matter back to committee if convictions are recorded or shall deal with the application if no relevant convictions are revealed.

(Please note there is a confidential part to this minute).

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from SNM and his representative.

The committee agreed SNM is granted a private hire driver's licence subject to a condition that the licence is restricted to providing airport and seaport transfers only; SNM is also required to take the driving test, medical examination and within the first 12 months of being licensed completed VRQ level II qualification in Transporting Passengers by Taxi and Private Hire or equivalent qualification.

(Please note there is a confidential part to this minute).

139. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - CPB (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from CPB.

The committee agreed to grant CPB a hackney carriage driver's licence subject to him completing the driving test, knowledge of Plymouth test, medical examination and within the first 12 months of being licensed completing the VRQ level II driver qualification in Transporting Passengers by Taxi and Private Hire or equivalent qualification.

140. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE DRIVER'S LICENCE - AJR (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from AJR.

The committee agreed to grant AJR a hackney carriage driver's licence subject to him completing the driving test, knowledge of Plymouth test, medical examination and within the first 12 months of being licensed completing the VRQ level II driver qualification in Transporting Passengers by Taxi and Private Hire or equivalent qualification.

141. **LICENSED HACKNEY CARRIAGE DRIVER - APPLICATION FOR EXEMPTION - SOH (E3 AND E7)**

The committee having –

- (a) considered the report from the Director for Place;
- (b) heard from the licensing officer that due to the serious illness of SOH father he had requested an adjournment.

The committee agreed to adjourn this matter until such time as SOH requested it to be heard.

CITY OF PLYMOUTH

Subject: Vehicle Proprietors

Committee: Taxi Licensing Committee

Date: 19 April 2012

Cabinet Member: Councillor Jordan

CMT Member: Director for Place

Author: George Curness - Taxi Licensing Officer

Contact: Tel: 01752 307964
Email: george.curnes@plymouth.gov.uk

Ref: PPS/LIC/GC/rep

Key decision: No

Part: I

Executive Summary:

On 23 February 2012, a Hackney Carriage driver was brought before the Licensing Committee to answer Members questions regarding the maintenance of the vehicle he drives. During this hearing Members were made aware that the driver was not the owner of the vehicle, and requested the Licensing officer to enquire of the proprietors that own licensed vehicles in numbers, what measures they have taken to ensure a good standard of maintenance.

Corporate Plan 2012 – 2015:

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. Community Safety, Health and Safety, Risk Management and
Equality, Diversity and Community Cohesion:**

Members should be aware that Section 17 of the Crime 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.

Recommendations and Reasons for recommended action:

It is recommended that the Members consider this report

Alternative options considered and reasons for recommended action:

None.

Background papers:

None.

Sign off:

Fin		Leg	AG/14463 /4.4.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. On 23 February 2012, a Hackney Carriage driver was brought before the Licensing Committee to answer Members questions regarding the maintenance of the vehicle he drives. During this hearing Members were made aware that the driver was not the owner of the vehicle, and requested the Licensing officer to enquire of the proprietors that own licensed vehicles in numbers, what measures they have taken to ensure a good standard of maintenance.
2. Officers have identified 16 proprietors who own three vehicles or more. A letter was sent to all owners of multiple licenses, both Hackney Carriage and Private Hire, asking for details of maintenance arrangements, a copy of the letter is reproduced at the end of this report (appendix 1).

A reply from the proprietors with large fleets state that they run their own repair garages, and have a stock of tyres readily available. They keep one or more spare vehicles, in case of emergency.

The licensing Office have now received replies from the majority of the proprietors, who have reported that similar measures are in place, from owning repair shops for the larger fleets to contract arrangements for the smaller fleets.

3. Officers inspect vehicles while on routine patrols and whilst on joint partnership exercises. If a vehicle is found to have serious faults, the vehicle licence is suspended until the fault is rectified. If Devon and Cornwall Police are in attendance, they will deal with the matter as they see fit, usually by issuing a fixed penalty notice, or in isolated cases, reported to Court for the offence.

The chief consideration of the Licensing Office is the safety of passengers, and by suspending the licence, this ensures that the vehicle will not be used for hire and reward until it is deemed roadworthy. Following any suspension of a vehicle, Officers will contact the proprietor to ensure that they are aware of the fault and that a good standard of vehicle repair is maintained. If persistent vehicles faults are found, Officers will refer the matter to Committee for consideration.

4. The Plymouth City Council Act 1975 S.5 (a) states that the Council shall not grant such a licence unless they are satisfied that the vehicle is

(iii) in a suitable mechanical condition and

(iv) safe.

S.18 (1) states that Council may suspend or revoke, or refuse to renew a vehicle licence on any of the following grounds

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

(c) for any other reasonable cause.

Please ask for: George Curness

Date 19 March 2012

My Ref LD/GC

Your Ref

Dear Sir

It is of concern that the number of immediate prohibition notices issued to drivers of vehicles with serious faults, where the vehicle is rented.

The majority of the notices issued are for vehicles being driven, with passengers, with tyres below the legal limit for tread.

In some cases the tyres were so worn down that "cord" was showing, and in others vehicles had more than one tyre with tread below the legal limit of 1.6 mm, other faults include lights not working, faulty seat belts and body damage.

I am therefore writing to you, as the owner of a number of vehicles, to establish whether you have a system in place that will reduce the failure rate. If you have a system in place whereby the driver can obtain tyres at a supplier on an account, or where you have a garage that can carry out repairs and replacements, this would seem to be a mitigating factor in whether or not the owner is, to some degree, responsible.

Can you please let me know the measures that you have in place with regard to the maintenance of your vehicles, in particular, whether or not the driver has access to tyres etc, over a weekend or at night, when the drivers are busiest and could be compromising their passengers safety.

Yours faithfully

George Curness
Taxi Licensing Officer

CITY OF PLYMOUTH

Subject: Request for Officer Delegated Authority to Grant Medical Exemptions

Committee: Taxi Licensing Committee

Date: 19 April 2012

Cabinet Member: Councillor Jordan

CMT Member: Director for Place

Author: Mark Small - Taxi Licensing Officer

Contact: Tel: 01752 307984
Email: mark.small@plymouth.gov.uk

Ref: ERS/LIC/MS/ddw

Key Decision: No

Part: I

Executive Summary:

Hackney carriage driver's have a duty to carry passengers within the prescribed limit of the city boundary including wheelchair users and assistance dogs.

The Council may exempt drivers from the duty of carrying wheelchairs and assistance dogs where a medical condition prevents the driver from reasonably undertaking this function. The granting of a medical exemption is largely an administrative function, but present Council policy requires drivers requesting a lifetime exemption to appear before the Committee. Officers are seeking delegated authority to issue lifetime exemptions, in common with short term or temporary exemptions.

Corporate Plan 2012 – 2015:

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. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Members should be aware that Section 17 of the Crime 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. All decisions should be considered against the requirements of the Equalities Act 2010

Recommendations and Reasons for recommended action:

It is recommended that the Members consider this report and agree the following:

To delegate authority to grant all wheelchair and assistance dog exemptions certificates to the Assistant Director for Environmental Services

Reason: Granting of these certificates has largely become an administrative task since the introduction of provisions in s.166 Equality Act 2010. Delegation of this task to officers will free up Committee time.

Alternative options considered and reasons for recommended action:

None.

Background papers:

None.

Sign off:

Fin		Leg	AG/14429/2 9.3.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. Hackney carriage driver's have a duty to carry passengers within the prescribed limit of the city boundary, including wheelchair users.

Section 53 of the Town Police Clauses Act 1847 states 'that a driver of a hackney carriage cannot refuse or neglect to carry any passenger within the prescribed distance, without having a reasonable excuse for doing so'. If a driver refuses to carry a passenger without reasonable excuse, he commits an offence.

2. The Council may exempt drivers from the duty of carrying wheelchairs and assistance dogs where a medical condition prevents the driver from reasonably undertaking this function. The granting of a medical exemption is largely an administrative function, but present Council policy requires drivers requesting a lifetime exemption to appear before the Committee. Since the adoption of the current policy s.166 Equality Act 2010 has now made it a statutory requirement for the Council to issue an exemption certificate if there is medical grounds, or on the grounds that the person's physical condition makes it impossible or unreasonably difficult for the person to comply with the duty to carry wheelchair passengers. Under s.172 Equality Act 2010 there is an appeal to the Magistrates' Court against a refusal to grant an exemption certificate. Officers are therefore seeking delegated authority to issue lifetime exemptions, in common with short term or temporary exemptions.
3. To obtain a medical exemption, a driver must obtain a certificate from his G.P. declaring the condition preventing the driver from performing the full range of duties in relation to wheelchair users and assistance dogs. The application forms for wheelchair medical exemptions are attached form your information.
4. In deciding whether drivers should be granted a medical exemption certificate, Members have regard to the Council's Hackney Carriage and Private Hire licensing policy. The relevant parts of which are detailed below:

Chapter 2 - Conditions of Licence

23.0 Medical Exemptions

Paragraph 23.1 Hackney Carriage drivers are not permitted to refuse disabled persons, unless the driver holds a medical exemption certificate excusing him from such duties, or, for example, the physical characteristics of the person's wheelchair prevent access to the vehicle. This should only be in exceptional circumstances.

Paragraph 23.2 The Council expect drivers of both hackney carriages and private hire cars to accept assistance dogs, unless the driver holds a medical exemption certificate excusing them from such duties.

Paragraph 23.3 The Council will not accept a medical certificate that is more than three months old and will as a consequence require new medical certificates where a medical condition continues for an extended period.

Paragraph 23.4 In circumstances where a driver either has a temporary or permanent medical condition preventing the performance of their duty towards disabled passengers, or the ability to carry assistance dogs, the driver may apply for a medical exemption certificate from the Council. The authority reserves the right to review a licence on medical grounds.

Paragraph 23.5 An applicant for a medical exemption certificate will be required to have their application determined by the Licensing Committee (Hackney Carriage) in the following circumstances:-

- **Where there is an application for a “lifetime” exemption; or**
- **Where an applicant already holding a medical exemption, not being a lifetime exemption, applies for an extension of the exemption period.**

5 Officers are seeking a delegated authority to undertake the function of issuing all medical exemptions for carrying wheelchairs and assistance dogs in order to reduce the administratively burdensome pressure on Committee time.

WHEELCHAIR MEDICAL EXEMPTION APPLICATION

Driver details



Application for a medical exemption from transporting wheelchairs on medical grounds, from the duties placed on licensed Hackney Carriage drivers by the Equality Act 2010 or section 53 of the Town Police Clauses Act 1847.

THIS FORM MUST BE COMPLETED BY THE APPLICANT:

Applicant Details	
Full name of applicant	
Date of birth	
Address	
Post Code	
Tel. No.	
Hackney carriage driver licence no.	
Licensed vehicle details	
If driving single vehicle, please enter plate number	
Please state the medical reason why you are applying for an exemption	

This will need to be verified by either your GP / Specialist or the Licensing Authorities own medical advisor.

Are you willing to undergo a medical in connection with this application? At your own expense.	Yes	No
Do you consent to medical information relevant to this application being released to the Licensing Authority?	Yes	No
Details of applicants GP		
Doctors Name		
Surgery Address		
Post Code		
Tel. No.		

Details of medical examiner or specialist (if same as GP – leave blank)	
Doctors Name	
Address	
Post Code	
Tel. No.	

Period of exemption (complete one box ONLY)		
Are you applying for a Life Exemption?	Yes	No
Are you applying for a temporary exemption?	Yes	No
If you are applying for a temporary exemption, please state the time period required.		

Applicants declaration

I declare that the information contained within this application is true to the best of my knowledge and belief. I also hereby permit Plymouth City Council to make enquiries with my examining doctor to verify my application to determine my exemption. I also accept that if my exemption is granted by Plymouth City Council, any misuse of the exemption granted to me may result in the withdrawal of that exemption and / or prosecution.

Signature of applicant		Date	
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PLEASE RETURN THIS FORM DULY COMPLETED TO THE FOLLOWING ADDRESS:

Licensing Office
 Public Protection Service
 Plymouth Council
 Civic Centre
 Plymouth PL1 2AA

www.plymouth.gov.uk

Direct line: 01752 - 304141

Fax No: 01752 - 226314

E-mail: taxi.licensing@plymouth.gov.uk

WHEELCHAIR MEDICAL EXEMPTION APPLICATION

Doctor's Assessment



Application for a medical exemption from transporting wheelchairs on medical grounds, from the duties placed on licensed Hackney Carriage drivers by the Equality Act 2010 or section 53 of the Town Police Clauses Act 1847.

THIS FORM MUST BE COMPLETED BY THE GENERAL PRACTITIONER OR MEDICAL SPECIALIST:

Please read the attached notes before completing this form:

FOR COMPLETION BY GENERAL PRACTITIONER OR MEDICAL SPECIALIST ONLY	
Patient Details	
Full name of patient	
Date of birth	
Address	
Post Code	
Tel. No.	
Driver licence no.	

Details of examining Doctor	
Doctors Name	
Surgery Address	
Post Code	
Tel. No.	

Details of medical condition		
In your opinion, does this person have a medical condition which PREVENTS him/her from assisting wheelchair users?	Yes	No

If “yes” to question above, please give details of condition.	
Does the patient still satisfy DVLA Group II Driver Medical Standards.	
Period of exemption (complete one box ONLY)	

In your opinion is this persons medical condition so severe that they should be exempt from carrying wheelchair users in their vehicle,

For Life?	Yes	No
If “no” to question above please indicate whether it is appropriate to request a temporary exemption		
Signature of Doctor		Date

NOTES

Background Information for Doctors

Obligations on Licensed Taxi Driver to Carry Disabled Persons using Wheelchairs

The Government is committed to an accessible public transport system in which disabled people can enjoy the same opportunities to travel as other members of society. Taxis are a vital link in the accessible transport chain and it is important that disabled people who use wheelchairs can have confidence that the taxi they find on a rank, or hail on the street, will accept them and carry them in their wheelchair at no extra charge.

All taxi drivers have an obligation under section 53 of the Town Police Clauses Act 1847 to carry any person wishing to hire them within the licensing area. This also includes persons using wheelchairs. Under the Equality Act 2010, it will be a separate lawful requirement for all taxi drivers to carry wheelchair users, unless they are in possession of an exemption certificate issued in accordance with that Act. However, that part of the Act is not yet in force.

The Council has determined that it shall provide an exemption to these duties, to drivers who have medical conditions which prevent them from assisting people in wheelchairs. The Council is responsible for issuing exemption certificates and needs to be satisfied that it is appropriate to do so on medical grounds

When completed, please pass this form to the applicant who will submit it to the Licensing office.

If you require any further information or clarification please contact:

Licensing Office
Public Protection Service
Plymouth Council
Civic Centre
Plymouth PL1 2AA

www.plymouth.gov.uk

Direct line: 01752 - 304141

Fax No: 01752 - 226314

E-mail: taxi.licensing@plymouth.gov.uk

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver – Review of Licence Status
Committee Taxi Licensing Committee
Date: 19 April 2012
Cabinet Member: Councillor Jordan
CMT Member: Director for Place
Author: George Curness – Licensing Officer (Taxis)

Contact: Tel: 01752 307964
Email george.curness@plymouth.gov.uk

Ref: ERS/LIC/GC/aje

Key Decision: No

Part: I

Executive Summary:

Mr Andrew John England is a licensed Private Hire driver, having been first granted a Private Hire driver's licence by this Council on the 13 September 2010. His current licence is due to expire on 12 September 2012. On 7 February 2012 a message was received from Devon and Cornwall Police that Mr England had been issued with a fixed penalty notice for "no insurance".

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

Corporate Plan 2012 – 2015:

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. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

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:

It is recommended that the Members consider this matter.

Alternative options considered and reasons for recommended action

None.

Background papers:

None.

Sign off:

Fin		Leg	AZG/1406 7/9.3.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. Mr Andrew John England is a licensed Private Hire driver, having been first granted a Private Hire driver's licence by this Council on the 13 September 2010. His current licence is due to expire on 12 September 2012. On 7 February 2012 a message was received from Devon and Cornwall Police that Mr England had been issued with a fixed penalty notice for the offence of driving with no insurance.
2. Details of the offence were received by e-mail stating that on Tuesday 7 February 2012, the Police had reason to stop a Private hire vehicle, registration number WF05ZVS in Barbican Approach. On checking the details of the driver and vehicle it appeared that there was no valid insurance held on that vehicle. The driver of the vehicle at that time was Mr Andrew England. When questioned further about this matter, Mr England accepted that there was no insurance held on the vehicle. He accepted a £200 fixed penalty notice and his DVLA licence was endorsed with 6 penalty points.
3. A letter was received from Mr England on 8 February 2012, notifying the Licensing Office of this fixed penalty notice. In that letter Mr England stated that the insurance was stopped when his partner forgot to pay the money for it into the bank. He states "This was not done deliberately and was a total mix up on our parts".
4. Officers have concerns that Mr England insures his vehicle on a weekly basis, and that this may lead to lapses in the insured periods.
5. A check on the DVLA licence held by Mr England shows previously there were no current points on his licence.
6. Members are asked to consider whether Mr. England is a "fit and proper" person and whether any action should be taken against his Private Hire Driver's licence in light of the above fixed penalty notice and licence endorsement.
7. 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 ~~ca~~
8. In reaching their decision, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy. The relevant parts of the Council's policy 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 motoring offences are relevant offences for considering the suitability of a person to retain a licence.

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

CITY OF PLYMOUTH

Subject: Licensed Hackney Carriage Driver – Review of Licence Status
Committee Taxi Licensing Committee
Date: 19 April 2012
Cabinet Member: Councillor Jordan
CMT Member: Director for Place
Author: George Curness – Licensing Officer (Taxis)
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Email george.curness@plymouth.gov.uk
Ref: ERS/LIC/GC/mm
Key Decision: No
Part: I

Executive Summary:

Mr Mihai Ovidiu Mindrutescu is a licensed Hackney Carriage driver, having been first granted a Private Hire driver's licence by this Council on the 29 September 2009. He was granted a Hackney Carriage drivers licence 28 March 2011. His current licence is due to expire on 27 March 2013.

On 24 February 2012, during a joint enforcement operation with Devon and Cornwall Police, the vehicle driven by Mr Mindrutescu was found to be un-roadworthy.

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

Corporate Plan 2012 – 2015:

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. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

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:

Fin		Leg	AZG/14346 /29.3.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. Mr Mihai Ovidiu Mindrutescu is a licensed Hackney Carriage driver, having been first granted a Private Hire driver's licence by this Council on the 29 September 2009. He was granted a Hackney Carriage drivers licence 28 March 2011. His current licence is due to expire on 27 March 2013.

2. On 24 February 2012, during a joint enforcement operation with Devon and Cornwall Police, the vehicle driven by Mr Mindrutescu, licence number 781, VRM WI88KDA, was found to be un-roadworthy.

3. The details of the inspection are as follows,

The front driver's side tyre was found to be worn to excess. Photos of the tyre are reproduced at the end of this report as appendix 2.

The passenger side stop lamp, the rear passenger side lamp and the front driver's side indicator were not working.

The passenger "tip up" seat was not secure.

There was no insurance document present in the vehicle.

The Police Constable present confirmed that insurance was valid, and then issued a fixed penalty notice for three penalty points to Mr Mindrutescu for the tyre offence

4. The vehicle licence was immediately suspended, the work was completed and the suspension was lifted the following day. The suspension notice is reproduced at the end of this report as appendix 1.

5. Members are made aware that Mr Mindrutescu's vehicle has been inspected by licensing officers on other occasions.

On 30 June 2011, a Hackney Carriage, registration number W212KDA, was inspected and was found to have a tyre with tread on the legal limit, advice was given to get the tyre changed. The fault was rectified.

On 17 July 2010, a private hire vehicle, registration number RE03AXS, was inspected and found to have no faults

On 16 December 2009, a private hire vehicle, registration number KA54DVO was inspected and found to have a seat belt fault, and advice was given regarding the wear on the front passenger side tyre. The faults were rectified the same day.

Members are made aware that, the overall management of the vehicle and its road worthiness is the responsibility of the vehicle user, in this case Mr Mindrutescu.

6. Enquiries were made to the proprietor of the vehicle, registration number WI88KDA, who stated that Mr Mindrutescu is the sole driver of the vehicle. The proprietor alleges that Mr Mindrutescu has been informed that the proprietor has an account with a tyre retailer and could visit that retailer at any time, assuming that the retailer was open for business.

7. An inspection of Mr Mindrutescu's DVLA licence reveals the above offence on 24 February 2012. In addition, the following offence is recorded on his licence :-

That on 4 January 2011 at Plymouth Magistrates' Court.

Convicted of Driving Without Due Care and Attention.

Mr Mindrutescu was fined £133 and his DVLA licence was endorsed with 3 penalty points.

8. At the time of the offence on 4 January 2011, Mr Mindrutescu was a Private Hire driver, 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(b) of the licence requires:-

*The licensed driver shall notify the Council's Licensing Unit **in writing** of a change of office from which shel/he operates, within 7 days.*

It would appear that Mr Mindrutescu has breached this condition of licence, as there is no trace of him having informed the Licensing Office, in writing, of his conviction. This information was only ascertained during the renewal of Mr Mindrutescu's Hackney Carriage driver's licence on 27 March 2012.

9. Members are asked to consider whether Mr Mindrutescu is a "fit and proper" person and whether any action should be taken against his Hackney Carriage driver's licence in light of the lack of maintenance of the vehicles that he drives, the motoring conviction and breach of condition.
10. 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 ~~ca~~
11. In reaching their decision, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy. The relevant parts of the Council's policy 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”.

Paragraph 8.2 - requires that when considering revocation, the Committee will take into account all relevant facts and circumstances including licensing objectives, 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 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 and contravention of licensing laws or conditions are relevant offences for considering the suitability of a person to retain 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.

12. Members are made aware that Mr Mindrutescu has completed the BTec in Transporting Passengers by Taxi and Private Hire
13. Mr Mindrutescu has been invited to attend this Taxi 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 M. MINDRIGSCU

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. 781 VRM: W188KDA

At (time): 23.25 hrs, on 24.12.12

At (place): NORTH HILL

And I am not satisfied as to:

1. Its fitness as a licensed vehicle with the following defects:
 - (a) DISK TYRE WORK TO CORN
 - (b) CORN BRACKEN IN PLACE
 - (c) N/S STOP LIGHT N/W
 - (d) N/S R LIGHT BOLT
 - (e) DISK FLASHER N/W
 - (f) NO INSURANCE
DISK TIP UP SEAT ADJUST
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 7 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: [Signature]

Issued by: [Signature]

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.





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