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Date: 28-5-2012

Please ask for: Helen Wright, Democratic Support Officer
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TAXI LICENSING COMMITTEE

Date: Thursday 7 June 2012

Time: 10 am

Venue: Council House (next to the Civic Centre) (next to the Civic Centre)

Members:

Councillor Haydon, Chair

Councillor Bowie, Vice Chair

Councillors Mrs Foster, Mrs Nicholson, Rennie, Ricketts and Singh.

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. TO NOTE THE APPOINTMENT OF CHAIR AND VICE CHAIR

The Committee will note that Councillor Haydon was appointed as Chair and Councillor Bowie was appointed as Vice Chair at the Council's Annual General Meeting on 18 May 2012.

2. APOLOGIES

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

3. DECLARATIONS OF INTEREST

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

4. MINUTES (Pages 1 - 6)

To confirm the minutes of the meeting held on 19 April 2012.

5. CHAIR'S URGENT BUSINESS

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

6. APPEAL CASES

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

7. ENFORCEMENT ACTIVITY REPORT 2011 (Pages 7 - 16)

The Committee will receive a report on enforcement activity report 2011.

8. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - I F TROTUS (Pages 17 - 22)

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

9. 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 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.

10. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 23 - 26)

To confirm the confidential minutes of the meeting held on 19 April 2012.

11. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - AJH (E3 AND E7) (Pages 27 - 32)

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

LUNCH 1PM - 2PM

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

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

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

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

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

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

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Taxi Licensing Committee

Thursday 19 April 2012

PRESENT:

Councillor Reynolds, in the Chair.

Councillor Delbridge, Vice Chair (present for the afternoon only).

Councillors Churchill (present for the morning only), Haydon, Mrs Nicholson, McDonald (substitute for Councillor Bowie) and Rennie.

Apology for absence: Councillor Bowie.

Also in attendance: George Curness (Licensing Officer), Sharon Day (Lawyer), David Hughes (Senior Environmental Health Officer), Andy Netherton (Manager for Safety, Health and Licensing) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.20 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.

142. **DECLARATIONS OF INTEREST**

Councillor Churchill declared a personal and prejudicial interest in minute 148, he knew Mr England.

143. **MINUTES**

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

144. **CHAIR'S URGENT BUSINESS**

With the permission of the Chair, the licensing officer reported that the Chair had approved the delegated authority report to grant a private hire operator's licence.

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

145. **APPEAL CASES**

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

146. **VEHICLE PROPRIETORS**

The manager for safety, health and licensing reported that –

- (a) sixteen proprietors had been identified who owned three vehicles or more; a letter had been sent to all owners of multiple licenses (both hackney carriage and private hire), requesting details of maintenance arrangements;
- (b) the majority of the proprietors (14) had responded by confirming that the larger owners had repair garages, stocks of tyres and kept one or more spare vehicles whilst the smaller proprietors had contract arrangements in place;
- (c) officers inspected vehicles whilst on routine patrols and joint partnership exercises; if a vehicle was found with a serious fault, the vehicle licence would be suspended until the fault had been rectified; if the Devon and Cornwall police were in attendance they would deal with the matter appropriately, by issuing a fixed penalty notice, or in isolated cases, reporting the offence to the court;
- (e) following any suspension of a vehicle licence, the proprietor would be contacted to ensure that they were aware of the fault and that a good standard of vehicle repair was maintained; vehicles with persistent faults would be referred to the committee for consideration.

The committee agreed to note the report.

147. **REQUEST FOR OFFICER DELEGATED AUTHORITY TO GRANT MEDICAL EXEMPTIONS**

The manager for safety, health and licensing reported that –

- (a) hackney carriage drivers had a duty to carry passengers within the prescribed limits of the City boundary which included wheelchair users; the Town Police Clauses Act, 1947 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 refused to carry a passenger without a reasonable excuse then an offence would be committed;
- (b) the Council may exempt a driver from the duty of carrying wheelchairs and assistance dogs where a medical condition prevented the driver from reasonably undertaking this function;
- (c) in order to grant a lifetime exemption the Council’s policy required drivers to appear before the committee;

- (d) following the adoption of the 166 Equality Act, 2010 it was a statutory requirement for the Council to issue an exemption certificate, if there was medical grounds, or the grounds that the person's physical condition made it impossible or unreasonably difficult for the person to comply with the duty to carry wheelchair users; (under 172 of the Equality Act 2010 there was an appeal to the magistrate's court against a refusal to grant an exemption certificate;
- (e) to obtain a medical exemption a driver must obtain a certificate from a GP, which declared the condition which prevented the driver from performing the full range of duties in relation to wheelchair users and assistance dogs;
- (f) in order to reduce the workload of the committee, officers were seeking delegated authority to undertake the function of issuing all medical exemptions for carrying wheelchairs and assistance dogs.

The committee agreed the recommendation to delegate authority to grant all wheelchair and assistance dog exemptions certificates to the Assistant Director for Environmental Services; however, if officers had any concerns regarding any application then the matter will still be referred to committee for a decision; Members further recommended that the Council's policy is reviewed with a view to setting up an independent medical assessor to assess applicants for exemption certification in the future.

148. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - A J ENGLAND**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr England;
- (c) took the following into account –
 - Mr England had been a licensed driver since 2010;
 - Mr England explained that the offence had occurred due to an error on the part of his partner, who had forgotten to pay the money into the bank; Mr England had now taken steps to ensure this did not happen again, by setting up an alert system with the insurance company, so that he received a reminder when his insurance was due to expire;
 - that Plymouth City Council's Hackney Carriage and Private Hire Licensing policy stated that motoring offences were relevant offences when considering the suitability of a person to retain licence.

The committee agreed that having taken all of the above into account, it is a proportionate decision to issue Mr England with a warning on this occasion; the warning will lie on Mr England's file indefinitely and will be brought to the attention of the committee, if he appears before them again in the future.

(Councillor Churchill declared a personal and prejudicial interest in the above matter and left the room).

149. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - M O MINDRUTESCU**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Mindrutescu;
- (c) took the following into account –
 - Mr Mindrutescu had completed the BTec in transporting passengers by taxi and private hire;
 - on 17 July 2010 a private hire vehicle that was being driven by Mr Mindrutescu had been inspected and found to have no faults;
 - Mr Mindrutescu had now changed vehicle proprietor;
- (d) was concerned that –
 - Mr Mindrutescu had various vehicles with different proprietors that had been found to have faults on three occasions since he was first granted a taxi licence in September 2009 and that he appeared to place a lot of blame on those proprietors;
 - some of the inspections had revealed serious defects with his vehicles;
 - as the vehicle user the overall management of the vehicle and its road worthiness was Mr Mindrutescu's responsibility;
 - in addition, at the time of the latest vehicle inspection, officers checked Mr Mindrutescu DVLA licence and discovered an unreported criminal conviction; Mr Mindrutescu explained that he had reported the accident and thought that this was sufficient.

The Plymouth City Council Act, 1975 enabled the Council to suspend or revoke the licence of a driver of a hackney carriage vehicle for any other reasonable cause.

The first of the licensing objectives contained in the Hackney Carriage and Private Hire Licensing policy required Members to promote the safety and health of drivers and the public.

Members considered that Mr Mindrutescu's failed vehicle inspections indicated an alarming lack of consideration for the safety of his passengers and the general public and agreed that it is proportionate to suspend Mr Mindrutescu's hackney carriage driver's licence for seven days.

150. **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 involve 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.

(Councillor Churchill was not present for the following items of business).
(Councillor Delbridge was present for the following items of business).

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

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

152. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - PS (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) having received a letter from PS requesting that the matter be dealt with in his absence, agreed to deal with this matter, as requested by him.

The committee agreed that it is a proportionate decision to revoke PS's hackney carriage driver's licence in accordance with Section 19(1)(b) of the Plymouth City Council Act, 1975.

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

153. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - KLD (E3 AND E7)**

The committee –

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

The committee agreed that it is a proportionate decision to suspend KLD's private hire driver and hackney carriage driver's licences for a period of five days, in accordance with Section 19(1)(b) of the Plymouth City Council Act, 1975.

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

154. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - PEFH (E3 AND E7)**

The committee –

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

The committee agreed that it is a proportionate decision to issue PEFH with a warning and that the warning will rest on file indefinitely and will be brought to the committee's attention if PEFH appeared before it in the future; Members however, wanted to be assured that the medication that PEFH had said he was taking, did not affect his medical fitness to driver and therefore requires him to take a medical examination to confirm that he is fit to Group II standard within one month of the committee hearing.

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

155. **LICENSED HACKNEY CARRIAGE DRIVER - APPLICATION FOR EXEMPTION - AEJ (E3 AND E7)**

The committee agreed to withdraw this item due to its earlier decision to delegate authority to grant all wheelchair and assistance dog exemptions certificates to the Assistant Director for Environmental Services.

CITY OF PLYMOUTH

Subject: Enforcement Activity Report - 2011

Committee: Taxi Licensing Committee

Date: 7 June 2012

Cabinet Member: Councillor Coker

CMT Member: Director for Place

Author: David Hughes, Senior Environmental Health Officer

Contact: Tel. 01752 304158
Email: taxi.licensing@plymouth.gov.uk

Ref: ERS/LIC/PREM

Part: I

Executive Summary:

This is the third report of its kind and provides an overview of the work undertaken in licensing and regulating the hackney carriage and private hire trades, for the benefit of the residents and visitors to Plymouth. The report provides a summary for activity throughout 2011 up to the 31 March 2012.

Corporate Plan 2012 - 2015:

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

Improving access across the City

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

There are no financial implications associated with this report.

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.

Recommendations:

Committee note the attached report.

Alternative options considered and reasons for recommended action:

None

Background papers:

Hackney Carriage and Private Hire Licensing Policy

Hackney Carriage and Private Hire Emissions Policy 2012

Sign off:

Fin		Leg	AG/147 63/21.5. 12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member : Anthony Payne											

Taxi Enforcement Activity Report – 2011

1.0 Introduction

- 1.1 This report has been compiled to give the Taxi Licensing Committee an overview of the work undertaken by the Taxi Licensing Office in regulating the hackney carriage and private hire trades in Plymouth during 2011 up to the 31 March 2012.
- 1.2 On the 28 July 2008 Council approved the introduction of a Hackney Carriage and Private Hire Licensing Policy effective from the 1 November 2008. The policy provided a decision-making framework where the guiding principle licensing objectives 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 2011 up to the 31 March 2012 are set out below:-
- Review of the Vehicle Emissions Policy
 - Annual review of Licence Fees
 - Review of hackney carriage Table of Fares (tariff)
 - Review of the hackney carriage Quantity Limit
 - Barbican Rank Review
 - New Knowledge of Plymouth test
 - Preparation for a review of the Hackney Carriage and Private Hire Licensing policy

2.0 Policy Initiatives

2.1 Review of the Vehicle Emission Policy

The Licensing Policy adopted by Council on the 28 July 2008 set out a phased introduction of vehicle engine improvements so that all vehicles licensed after the 1st April 2012 would comply with Euro 4 technology standards. The reason for the phased approach was to minimise any financial burden on the trade whilst contributing to improving air quality.

The City currently has two Air Quality Management Areas (AQMA's) covering the Mutley Plain and Exeter St areas and both have identified nitrogen dioxide as the problem pollutant of concern. Although there are several different contributing sources of this gas in Plymouth, the main source is that emitted by vehicle engines. Nitrogen dioxide pollution from vehicles is greatest when cars are stationary or travelling at very slow or high speeds (in excess of 60mph).

In these areas low speeds are the main problem as it takes longer for a vehicle to travel through the affected area and concentrations of gases therefore take longer to disperse.

- 2.2 Due to the economic climate the vehicle emissions policy has been the subject of two further reviews. In 2009, the Cabinet Member responsible for taxis, under delegated decision, decided that the policy should remain unchanged.

Further representations were made by the trade during 2011 and after careful consideration of all the evidence available at that time, the Cabinet Member responsible for taxis, under delegated decision, decided to amend the emissions policy. The main change was to extend the requirement to comply with Euro 4 technology standards, for existing licenced vehicles, by 3 years until 1 April 2015.

2.3 Licence Fees

Detailed discussions took place with hackney carriage trade representatives during 2011, on the measures to be taken to balance their trade account. Members considered a report in September 2011 and subsequently approved a revised table of fees in December 2011 to be implemented on the 1 January 2012. The main objective is to ensure that the fees table was appropriately adjusted to achieve a balanced account by 2013/14. Further annual reports will be presented to Members to ensure that the fees table is appropriately adjusted to ensure that this objective is achieved and then maintained.

2.4 Hackney Carriage Table of Fares (Tariff)

Following detailed discussions with hackney carriage trade representatives during 2011 a revised table of fares schedule in November 2011 which was implemented on the 1 December 2011. Officers will review the need for further amendment of the table in discussion with the trade in 2012.

2.5 A Review of the Hackney Carriage Quantity Limit

Historically the Council have maintained a quantity limit on the number of hackney carriages that it will licence; the current limit is 367. This policy should be the subject to regular review and an unmet demand survey has recently been completed by Amey. Officers are currently preparing a report for Council based on their findings.

2.6 Hackney Carriage Rank Review

The adequacy and provision of rank space throughout the City is subject to regular review and Officers have conducted a rank review of the Barbican and Park St, Devonport. The results of the public consultations were considered and it was evident that a variety of complex issues existed that required detailed analysis so that needs and aspirations of the users of the night time economy, licensed premises, taxi drivers, local residents and businesses were equally considered.

The representations included concerns such as increased vehicle pollution; loss of available resident parking; need; road safety; heritage and conservation and cost. In conclusion one additional four vehicle rank was approved by delegated decision and this will be located outside the Barbican Mayflower Centre.

To gain approval for new ranks in locations where there is demand, whilst satisfying specific road safety concerns, the city centre long-term aspirations, the hackney carriage trade, residents and local businesses objections is a complex process that requires time and due consideration. Officers will continue to explore new suggestions and other options such as hailing points.

For example a proposal to install a rank at the top of Cornwall St in the pedestrianized area in the vicinity of the Drake shopping mall and Marks & Spencer has always been a preferred location of the trade. Officers recently commissioned a road safety report to investigate the options and the report concluded that a new rank should not be sanctioned in this location as it would increase the number of vehicles accessing a pedestrian zoned area. There are existing ranks in Old Town St, Charles St and Mill St that should meet the needs of shoppers in this area.

Officers have recently concluded a review of the condition of all existing ranks and are implementing an upgrade programme to ensure that they remain properly marked and signed.

2.7 New Knowledge of Plymouth Test

All new drivers are required to undertake a Knowledge of Plymouth written test as one of the pre-requisites to obtaining a probationary licence. The test is designed to test an applicant's knowledge of Plymouths roads and venues and their ability to transport a paying customer by the shortest available route. To introduce a 'locality criteria' the test was expanded to have regard to the following criteria.

- A greater relevance to routes
- To test the applicants local knowledge by asking additional questions concerning which building or attraction would be passed enroute (this was designed to make sure that the applicant knew the area and not solely rely on an A to Z map)
- To include questions on law and conditions
- To include questions on customer care

The revised papers were introduced from in August 2011 and have received favourable feedback from training schools and other interested parties and the percentage of failures has noticeably increased.

In tandem with the review of the written test, Officers are reviewing the Driving Standards Test with the intention of expanding the testing criteria to include the practical assessment of the professional skills required of a licensed driver, such as;

- Attitude under pressure
- Professional Appearance

- Map reading skills
- Communication skills
- Professional attitude
- Money handling skills
- Customer care

2.8 Hackney Carriage and Private Hire Licensing Policy

Officers have continued to prepare for a review of the Hackney Carriage and Private Hire Licensing Policy and all its associated conditions of licence and specifications, which will be the subject of a public consultation in the near future. Following the public consultation Officers will prepare a report to be submitted to Cabinet and then Council. The main consultation points are to review the following areas;

- Vehicle specifications
- Driving standards test
- Medical exemptions policy
- CCTV in licensed vehicles
- Advertising on vehicles
- Guidelines of the relevance of convictions
- Scheme of delegations
- Consideration of specifications for horse-drawn omnibuses and rickshaws
- Consideration of long wheel based hackney carriage vehicles
- A restriction on Private Hire Operators using the words 'taxi' or 'cab' in their company name.
- Review of window tints

The Law Commission are currently undertaking a major public consultation and the outcome of this consultation will be considered as part of this review.

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 2011 up to 31 March 2012, officers processed 4400 transactions which included a range of taxi licensable services including driver and vehicle applications new applications, renewals, transfers, notifications, suspensions, 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 The Taxi Licensing Committee held 16 meetings to consider reports dealing with new applicants with relevant convictions, referrals for breaches in discipline and medical exemptions. Members considered 26 new applications and of those 5 were refused on the grounds that the person was not a 'fit and proper' person to hold a licence. Members considered 39 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, 6 drivers had their licences revoked, 23 suspensions were issued and 8 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 in respect of Members decisions and all three appeals were dismissed.

4.0 Enforcement Options

4.1 General

Licensing Officers regulate the hackney carriage and private hire trades to ensure that drivers and vehicles comply with legislative provisions so that they provide a service that achieves the needs and aspirations of the travelling public.

- 4.2 A range of enforcement strategies are used to regulate drivers and vehicle standards, these measures include;

- evening and daytime rank patrols
- roadside vehicle inspections
- joint enforcement operations
- complaint investigation
- advice and education
- issue of guidance notes

4.3 Patrols

Officers undertake high visibility 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 that would be reasonably expected from the travelling public.

- 4.4 During the course of these patrols officers use a range of enforcement tools, these include;

- General advice and education
- Verbal and written warnings
- Immediate Prohibition (the removal of unsafe vehicles from the road)
- Vehicle defect reports (notification of less serious defects that require resolution within a specified time)

- Fixed Penalty Notices (for smoking offences)
- Referral to Taxi Licensing Committee (for breaches of conditions)
- Prosecution

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' but does not provide a guarantee of roadworthiness for the duration of the certificate. Officers undertake roadside visual inspections to identify any licensed vehicle that falls below these specified safety standards. Enforcement officers conducted 708 roadside vehicle inspections during this period, checking for worn tyres, defective lights, cleanliness, damage and functioning taximeters. These inspections resulted in 203 (28%) immediate prohibitions being issued, primarily for defective tyres and lights; a further 199 (28%) vehicle defect reports were issued requesting that non-urgent repairs are carried out within a specified time. These visual inspections are not random as frequently an experienced eye will lead an officer to select a vehicle where defects are likely to be found.

Detailed statistics have now been kept for the last 5 years and in that time there has been a gentle downward trend concerning the issue of immediate prohibition notices. This is attributable to a number of factors that include the decrease in the average age of the fleet due to the phased introduction of the emission policy, the publicity gained from the increased number of inspections undertaken and general awareness of the trade towards vehicle safety. For example, the phased introduction of the vehicle emission standards since 2008 has removed all Euro 1 and Euro 2 (other than those which have been fitted with an adaption kit to operate to a Euro 3 specification) from the fleet.

- 4.6 Although the number of immediate prohibition notices issued remains disappointingly high, the hackney carriage and private hire trades are aware that roadside vehicle inspection is undertaken and that all unroadworthy vehicles will be taken off the road and that all drivers should undertake a daily vehicle check before carrying passengers.
- 4.7 Officers also have responsibility for enforcing smoke-free requirements that apply to hackney carriages and private hire vehicles. During 2011 up to 31 March 2012, officers issued 42 fixed penalty notices (FPN's) to drivers who were observed smoking in their licensed vehicles. There were 4 occasions where a driver has not taken the opportunity to discharge the offence by the payment of a FPN or opted not to accept the FPN.
- 4.8 Officers continue to work closely with other enforcement agencies in particular the police and regular joint enforcement daytime and night time patrols were undertaken. These operations have been very successful in promoting combined enforcement operations with the trade. A specific operation was also undertaken throughout February and March with police officers attached to the City Centre to address problems with hackney carriage drivers over-ranking in areas such as the Barbican, Mutley Plain and Union St. Taxi Enforcement Officers teamed up with police officers and

PCSOs at weekends to address the problem and will continue with on-going regular joint patrols to ensure that the problem is controlled.

4.9 Training

At the request of the police, Officers attended Police Headquarters at Middlemoor, Exeter and undertook a training seminar for selected Police Officers from across the Devon and Cornwall force. The seminar was well received and it is hoped that this will help establish better links between the police and other local authorities throughout the area.

4.10 Plying for Hire

Officers coordinated a plying for hire test purchase operation in June 2011 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.

4.11 Training and Awareness

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 2012

- 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 police will continue as an efficient use of resources to ensure that the trade continue to be reminded of their obligation to provide a safety means to passenger public transport and not to cause nuisance.
- 5.3 Changes to the Hackney Carriage and Private Hire Licensing Policy and all its associated conditions of licence and specifications will be the subject of a public consultation; the public consultation will hopefully obtain the wide range of views including those from the trade; local residents and businesses; disability groups and other organisations that rely on this transport sector.
- 5.4 Officers will submit a report to Council outlining an option appraisal regarding the hackney carriage quantity limit. The report will incorporate the results of the public consultation and the unmet demand survey
- 5.5 Officers will continue to explore ways of improving hackney carriage rank provision throughout the City.
- 5.6 Law Commission for England and Wales which advises the Government on law reform is currently consulting on changes that should be made on how the hackney carriage and private hire trades should be regulated in future. The outcome of this review will shape the way in which future legislation will be drafted.

As Plymouth has its own act (Plymouth City Council Act 1975) officers are acutely aware that we put forward our views to ensure that we can be included in any future enactments. The deadline for responses is the 10 August 2012.

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.

CITY OF PLYMOUTH

Subject: Licensed Hackney Carriage Driver – Review of Licence Status
Committee Taxi Licensing Committee
Date: 7 June 2012
Cabinet Member: Councillor Coker
CMT Member: Director for Place
Author: Mark Small – Taxi Licensing Officer
Contact: Tel: 01752 307984
Email: mark.small@plymouth.gov.uk
Ref: ERS/LIC/MTS/ift
Part: I

Executive Summary:

Mr Iulian Florin Trotus is the holder of a Hackney Carriage driver licence having been first licensed by this Council on the 19 September 2009 as a Private Hire driver. On the 3 February 2011, Mr Trotus was granted a Hackney Carriage driver licence which he held as well as his Private Hire driver licence, until the latter was surrendered by him on the 25 May 2011. The Hackney Carriage driver licence was subsequently renewed on the 3 February 2012 and is due to expire on the 2 February 2015.

On the 26 March 2012 Mr Trotus informed the Licensing section in writing that he had received an endorsement on his DVLA driving licence on 7 February 2012. An examination of his driver file revealed he had been previously sent a warning letter for receiving endorsements on his driving licence and for failing to notify the Licensing section within the correct time limits.

Fin		Leg	10.5.2012 / 14486/AZG	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. Mr Iulian Florin Trotus is the holder of a Hackney Carriage driver licence having been first licensed by this Council on the 19 September 2009 as a Private Hire driver. On the 3 February 2011 Mr Trotus was granted a Hackney Carriage driver licence which he held as well as his Private Hire driver licence, until the latter was surrendered by him on the 25 May 2011. The Hackney Carriage driver licence was subsequently renewed on the 3 February 2012 and is due to expire on the 2 February 2015.
2. On the 26 March 2012 Mr Trotus informed the Licensing section in writing that he had received an endorsement on his DVLA driving licence on 7 February 2012.

Details of the motoring endorsement are given below:

On 7 February 2012 Mr Trotus was issued with a Fixed Penalty Notice for Failing to Comply with Traffic Light Signal. His driving licence was endorsed with 3 Penalty Points and a £60 fine.

3. An examination of his driver file revealed the following motoring offences were endorsed on his DVLA driving licence -

On 28 May 2010 he was issued with a Fixed Penalty Notice for Exceeding Statutory Speed Limit on a Public Road, where his DVLA driving licence was endorsed with 3 Penalty Points

On 31 May 2011 at Plymouth Magistrates Court he was convicted for Using a Vehicle with a Defective Tyre on 11 March 2011. His DVLA driving licence was endorsed with 3 Penalty Points and he was fined £90.

The conviction on the 31 May 2011 was resultant from a joint Council and Police taxi enforcement exercise where the vehicle being driven by Mr Trotus was found to have the front nearside tyre worn to the steel cord on the inner edge. A Taxi Licensing Officer suspended the vehicle licence and a Police Officer reported Mr Trotus for the offence. A photograph of the tyre is attached marked Appendix A. Mr Trotus did report this conviction in a letter dated 9 January 2012 and which was received on the 30 January 2012.

4. On 16 February 2012, Mr Trotus was sent a warning letter by a Taxi Licensing Officer due to his driving licence endorsements and for failing to notify the Licensing section within the correct timeframe as required by his Hackney Carriage Byelaws. The letter also informed Mr Trotus that should he receive any further endorsements on his DVLA licence, then the status of his Hackney Carriage driver licence would be reviewed by Members of the Taxi Licensing Committee.

At the time of writing this report Mr Trotus has a total of 9 live penalty points endorsed on his DVLA driving licence.

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. Members are asked to consider whether Mr Trotus is a “fit and proper” person in light of the motoring offences contained within this report. In deciding whether Mr Trotus 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 the Council’s policy are detailed below:

General Policy

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

The licensing objectives are as follows:

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

Chapter 2. – Conditions of Licence

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

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

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

Paragraph 19.1 states that the Council will have regard to fixed penalties when considering if an applicant is a fit and proper person.

Paragraph 19.3 states that similar provisions are proposed for existing drivers who received endorsements on their driving licence. An isolated fixed penalty will not generally require any action by the Council; a driver receiving a further endorsement during their licence period will be sent a warning letter. A further endorsement after being sent a warning letter, will require the driver to appear before Members of the Licensing Committee for the status of the licence to be reviewed.

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.

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

Paragraph 10.2 - Gives the Committee the discretion to direct a driver appearing them to complete further training or re training should the driver’s suitability to retain a licence be called into question.

Guidance on the Relevance of Convictions

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

Paragraph 6 – states that the grant of a private hire or hackney carriage licence permits the transport of members of the public around the city, it follows that driving licence endorsements, which includes fixed penalties, are highly relevant.

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



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