



Bob Coomber
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Date: 16 October 2012

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

Date: Thursday 25 October 2012

Time: 10am

Venue: Council House, Plymouth (next to 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.

Bob Coomber

Interim 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 - 6)

To confirm the minutes of the meeting held on 6 September 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. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - J JOURNEAUX

(Pages 7 - 18)

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

7. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - P MARASESCU

(Pages 19 - 26)

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

8. 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 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.

9. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 27 - 30)

To confirm the minutes of the meeting held on 6 September 2012.

10. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - SPI (E3 AND E7) (Pages 31 - 36)

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

11. APPLICATION FOR THE GRANT OF A RESTRICTED PRIVATE HIRE DRIVER'S LICENCE - MGG (E3 AND E7) (Pages 37 - 42)

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

12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - AFB (E3 AND E7) (Pages 43 - 48)

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

LUNCH 1PM - 2PM

13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CRW (E3 AND E7) (Pages 49 - 52)

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 HACKNEY CARRIAGE DRIVER'S LICENCE - BLS (E3 AND E7) (Pages 53 - 58)

The Director for Place will submit a report on the application for the grant of a hackney carriage driver's licence.

15. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - MM (E3 AND E7) (Pages 59 - 64)

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

16. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - PMI (E3 AND E7) (Pages 65 - 74)

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

Taxi Licensing Committee**Thursday 6 September 2012****PRESENT:**

Councillor Haydon, in the Chair.

Councillor Bowie, Vice Chair.

Councillors Mrs Foster, Mrs Nicholson, Ricketts and Singh.

Apology for absence: Councillor Rennie.

Also in attendance: Sharon Day (Legal Officer), David Hughes (Senior Environmental Health Officer - Licensing), Mark Small (Licensing Officer - Taxis) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 5.00 pm.

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

38. DECLARATIONS OF INTEREST

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

39. MINUTES

Agreed that the minutes of the meeting held on 2 August 2012 are confirmed as a correct record.

40. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

41. APPEAL CASES

The committee was informed that the recent appeal case against the committee's decision for the revocation of a private hire driver's licence had been dismissed by Crown Court.

42. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - C R DYER

The committee was informed that Mr Dyer had surrendered his badge and therefore no further action would be required.

43. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - P MARASESCU**

The committee –

- (a) considered the report of the Director for Place;
- (b) was advised that Mr Marasescu was not present and that no communication had been received by the licensing office to explain his absence.

The committee agreed that a new request for attendance at the next available committee is sent to Mr Marasescu by recorded delivery; if Mr Marasescu fails to attend the next committee, the matter may be considered in his absence and all possible sanctions against his licence will be considered, including revocation.

44. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - M BETEAN**

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from Mr Betean and a representative from Taxi First;
- (c) took the following into account -
 - Mr Betean had been a private hire driver since November 2008;
 - Mr Betean had been convicted of assault by beating on 6 July 2012 at Plymouth Magistrate's Court; he had been sentenced to a 60 hour community service order on both counts and ordered to pay £750 compensation plus costs;
 - Mr Betean had informed the Council of the conviction on 19 July 2012;
 - Mr Betean's letter (at appendix A) and what he said during the hearing today;
 - that violent offences were relevant when considering the suitability of a person to hold or retain a licence;
 - the newspaper report regarding the court case and that Mr Betean disagreed with the accuracy of the report with regard to injuries to the victims;
 - the letters of recommendation handed in at the committee hearing;

- what was said on Mr Betean's behalf by the representative from Taxi First;
- that Mr Betean was sorry for the incident and had said that he would not react in the same way again.

The committee agreed that having taken all of the above into account a warning would be given to Mr Betean which would remain on his file and be brought to member's attention in the future, if he had to appear before the committee again.

45. **EXEMPT INFORMATION**

Agreed that 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.

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

Agreed that the minutes of the meeting held on 2 August 2012 are confirmed as a correct record.

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

The committee –

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

The committee agreed that DDG's private hire driver's licence will be suspended under section 19(1)(b) of the Plymouth City Council Act 1975 for one day in respect of failing to report the conviction as per his conditions of licence, as this did not show a commitment to work with the licensing authority which was a relevant consideration in relation in the licensing objective of preventing crime and disorder and protecting consumers.

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

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

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from POB and a representative from Taxi First.

The committee agreed that POB's licence would be suspended for two days under section 19(1)(b) of the Plymouth City Council Act 1975 with regard to the failure to comply with his conditions of licence, as this did not demonstrate a commitment to work with the licensing authority which is a relevant consideration under the prevention of crime and protection of consumers licensing objective.

(Councillor Mrs Nicolson left the committee meeting and was not present for the remaining items).

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

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

The committee –

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

The committee agreed to grant PKV's application for the grant of a private hire driver's licence subject to him satisfactorily completing all the remaining necessary pre-requisite tests, namely the Knowledge of Plymouth and medical examination and also completing the VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within the first 12 months of being licensed.

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

The committee –

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

The committee agreed to grant LAO's application for the grant of a private hire driver's licence subject to him satisfactorily completing all the remaining necessary pre-requisite tests, namely the Knowledge of Plymouth, driving standards test, medical examination and also completing the VRQ in Transporting Passengers by Taxi and Private Hire or equivalent qualification within the first 12 months of being licensed.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from KJC and two people in support;

The committee agreed that having taken the above into account KJC was not considered to be a fit and proper person, as it was felt that it was too soon after his recent relapse to grant a hackney carriage driver's licence, as to do so posed a risk to public safety; the licence application was therefore refused.

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

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CITY OF PLYMOUTH

Subject: Licensed Driver – Review of Driver Licence Status
Committee Taxi Licensing Committee
Date: 25 October 2012
Cabinet Member: Councillor Coker
CMT Member: Anthony Payne, Director for Place
Author: George Curness – Licensing Officer (Taxis)
Contact: 307964 e-mail george.curness@plymouth.gov.uk
Ref: ERS/LIC/GC/jj
Key Decision: No
Part: I

Purpose of the report:

For Members of the Committee to review the status of the Hackney Carriage driver licence held by Mr Jake Journeaux, having due regard for the information contained within the report, any representations made by the applicant and the Taxi Licensing Policy of the Council.

Corporate Plan 2012 - 2015:

This report links to the delivery of the City and Council priorities.

In particular : Provide value for Communities.

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

Not applicable.

Other Implications: eg. Child Poverty, 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:

(Insert)

Sign off:

Head of Fin		Head of Leg	AZG/3.10.12/15741	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? Yes / No* please delete as necessary											

Report

1. Mr. Jacob Lee Journeaux is a licensed Hackney Carriage driver, having been first granted a Hackney Carriage driver's licence by this Council on the 19 August 2011. His current licence is due to expire on 18 August 2013.
2. On the 4 August 2012, during an enforcement patrol, the vehicle driven by Mr Journeaux was found to be un-roadworthy.
3. The details of the inspection are as follows,

The rear passenger side tyre was found to be worn to below the legal limit of 1.6mm. A photo of the tyre is reproduced at the end of this report as Appendix A.

The vehicle licence was immediately suspended, the wheel was changed on the roadside and the suspension was lifted after the wheel change. A copy of the suspension notice is reproduced as Appendix B

4. Members are made aware that vehicles driven by Mr Journeaux have been inspected by licensing officers on other occasions.

On 11 May 2012, on a Joint Enforcement operation with Devon and Cornwall Police, the vehicle driven by Mr Journeaux, V363ECD, licence number 842, was found to have both front tyres worn to below the legal limit, and a rear passenger side tyre was recorded as having 1.7mm of tread. The vehicle was immediately suspended, and a Fixed Penalty Notice was issued to Mr Journeaux by Police Officer 5883. The suspension notice was lifted the following day after the vehicle was presented in a satisfactory condition.

On 3 February 2012, the vehicle driven by Mr Journeaux, W979ULX, licence number 777, was found to have the passenger side rear tyre worn to below the legal limit. The vehicle was immediately suspended. The suspension notice was lifted the same day after the vehicle was presented in a satisfactory condition.

Copies of these notices are reproduced as Appendix C and D

The vehicles driven by Mr Journeaux are hired by him from two different proprietors. Both proprietors have previously been seen by Officers and they are satisfied that the proprietors have procedures in place to deal with these matters, when advised and required to do so.

Members are made aware that, as the driver of this vehicle, Mr Journeaux is responsible for its road worthiness.

5. Members are made aware that Mr. Journeaux has also been issued with two warning notices for Bye-Law contraventions.

On 11 November 2011 he was issued a written warning for failing to wear a drivers' badge when plying for hire.

On 2 March 2012 on a Joint Agency Operation with Devon and Cornwall Police, he was issued a written warning for Failing to Proceed, as he was plying for hire while not on a Hackney Carriage stand.

Copies of these notices are reproduced as Appendix E and F

6. Members are made aware that all these incidents occurred during his probationary year as a Hackney Carriage driver.

7. Members are asked to consider whether Mr Journeaux 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 and lack of consideration for the rules pertaining to Hackney Carriages and drivers.
8. 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.
9. 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 contravention of licensing laws or conditions are relevant offences for considering the suitability of a person to retain a licence.

10. Members are made aware that Mr Journeaux has completed the BTec in Transporting Passengers by Taxi and Private Hire in July 2012.
11. Mr. Journeaux has been invited to attend this Licensing Committee in order that this matter may be considered.



THIS NOTICE HAS IMMEDIATE EFFECT



Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor: MR J. SOURNEAU

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. 842 VRM: V363ECD

At (time): 17.45 hrs, on 4.8.12

At (place): THE PARADE

And I am not satisfied as to:

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

- (a) N/S/R TYRE 1.4 MM
- (b) BELOW LEGAL LIMIT
- (c)
- (d)
- (e)
- (f)

2. The accuracy of its taximeter.

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

- (1) *That the above defects be rectified within days of the issue of this notice, and the vehicle presented to the issuing officer for further examination.
- (2) *That the vehicle / taximeter must be made available for further inspection at a council approved registered test station for further testing by an authorised vehicle examiner as to its fitness / accuracy.
- (3) *That the vehicle licence is **IMMEDIATELY SUSPENDED** (see Important Note 3 overleaf)

Signed: G. CURNES


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.

* Delete as applicable Continued overleaf


City of Plymouth
Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor: * SAKS SURKAVI

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. 8442 VRM: V363 GCD

At (time): 21:35 hrs, on 11.5.17

At (place): BEACH PARADE

And I am not satisfied as to: FRN 5883

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

- (a) BOTH FRONT TYRES WORN
- (b) OF 1.0MM 1.0 NO INN.
- (c)
- (d) N/S/R TYRE 1.7MM
- (e)
- (f) EXCEEDS 10 STM

2. The accuracy of its taximeter. 07917264637

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: [Signature]

Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor* JACK SOURNIAUX

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. 777 VRM: U979 UGX

At (time): 20.15 hrs, on 3.2.12

At (place): OLD TOWN ST

And I am not satisfied as to:

- Its fitness as a licensed vehicle by reason of the following defects:
 - W/S/R TRG 1.2 M.
 -
 -
 -
 - 0791 1264631
 -
- The accuracy of its taximeter.


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

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

Signed:
Issued by:

For * Head of Environmental Regulations Service
* Chief Constable

**BYELAW
CONTRAVENTION
Warning Notice**



Town Police Clauses Act 1847 /
Plymouth City Council Hackney Carriage Byelaws 2009.
Public Protection Service – Licensing Section

On the 11th of NOVEMBER 2011
at / between* 2343 hrs, you (name)
JANE YURANSKY
license number 1465 of (address)

Being the driver / proprietor* of the following licensed
Hackney Carriage, licence number 717
registered number W979 ULX were observed
in (place) BASKET CASE
BOOKING

In circumstances which gave me reason to believe that the
following offence(s) against the Plymouth City Council Hackney
Carriage Byelaws had been or were being committed by you:

* tick applicable offence(s).

7(a) Failing to proceed to and station the carriage on a stand (during its hours of operation)

7(b) Failing to proceed to another stand if stand full on arrival

7(c) Failing to position carriage immediately behind carriage on a stand not fully occupied.


7(d) Fail to move forward on stand when carriage in front moves off or moves forward.

14 Failing to wear drivers badge when standing or plying for hire or when hired.

Other _____

I admit that I have committed the above offence(s)
and accept this warning notice in relation to those offences.

**BYELAW
CONTRAVENTION**
Warning Notice



Town Police Clauses Act 1847 /
Plymouth City Council Hackney Carriage Byelaws 2009.
Public Protection Service – Licensing Section

On the 2nd of MARCH 2012
at / between* 2206 hrs, you (name)
JAKOB JAKUBSTUX
4CDL 1465 of (address)

Being the driver / proprietor* of the following licensed
Hackney Carriage, licence number 777
registered number NY19ULX were observed
in (place) THE PARADE CIS HAKNEY
SPURS

In circumstances which gave me reason to believe that the
following offence(s) against the Plymouth City Council Hackney
Carriage Byelaws had been or were being committed by you:

* tick applicable offence(s).

7(a) Failing to proceed to and station the carriage on a stand (during its hours of operation)

7(b) Failing to proceed to another stand if stand full on arrival

7(c) Failing to position carriage immediately behind carriage on a stand not fully occupied.

7(d) Fail to move forward on stand when carriage in front moves off or moves forward.

14 Failing to wear drivers badge when standing or plying for hire or when hired.

Other _____

I admit that I have committed the above offence(s)
and accept this warning notice in relation to those offences.

Signed _____
Licence holder sign

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CITY OF PLYMOUTH

Subject: Licensed Driver – Review of Driver Licence Status
Committee: Taxi Licensing Committee
Date: 25 October 2012
Cabinet Member: Councillor Coker
CMT Member: Anthony Payne, Director for Place
Author: George Curness – Licensing Officer (Taxis)
Contact: 307964 e-mail george.curness@plymouth.gov.uk
Ref: ERS/LIC/GC/pm
Key Decision: No
Part: I

Purpose of the report:

For Members of the Committee to consider the review of the Private Hire drivers licence held by Mr Marasescu, having due regard for the information contained within the report, any representations made by Mr Marasescu and the Taxi Licensing Policy of the Council.

Corporate Plan 2012 – 2015:

This report links to the delivery of the City and Council priorities.
In particular : Provide value for Communities.

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

Not applicable.

Other Implications: eg. Child Poverty, 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:

(Insert)

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	AZG/3.10.12 / 15738	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? Yes / No											

Report

1. Mr. Petrisor Marasescu is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council on the 2 September 2009. His current licence is due to expire on 13 September 2012.
2. On 31 July 2012, during an enforcement patrol, the vehicle - licence number 1314 - driven by and licensed to Mr Marasescu 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. A photo of the tyre is reproduced at the end of this report as appendix 1.

4. The vehicle licence was immediately suspended, the work was completed and the suspension was lifted the same day. The suspension notice is reproduced at the end of this report as appendix 2.
5. Members are made aware that, as the owner, licensee and sole driver of vehicle licence number 1314, Mr Marasescu is responsible for its road worthiness. The fault on the tyre can be plainly seen on the outside of the wheel, and indicates that Mr Marasescu has a lack of regard to the safety of his passengers and to the rules that are attached to vehicles and their maintenance.
6. Members are made aware vehicles driven by Mr Marasescu's have been inspected by licensing officers on other occasions.

On 22 June 2011, licence number 1314, was found to have a space saver tyre on the rear offside of the vehicle, this is not permitted for public use, and a suspension notice issued, in accordance with condition 11 of the Specifications for Private hire Vehicles which states that, "if a vehicle is equipped with a space saver spare tyre or similar emergency repair system, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre". It is not permitted to carry passengers using a space saver tyre. The suspension was lifted on 23 June 2011. Failure of the vehicle to comply with the above specifications is a breach of condition 1 of the Private Hire conditions of vehicle licence.

On 20 April 2011, a private hire vehicle, licence number 1372, was inspected and found to have no faults

On 22 October 2010, a private hire vehicle,, licence number 1372 was inspected and found to have no washers working, there was no "bulb kit" available and the vehicle had a dirty interior. The faults were rectified on the 25 October 2010.

On 28 October 2009, a private hire vehicle, licence number 1188, was inspected and found to have no number plate lamps and 2 x body damage. The licence faults were rectified the same day.

Mr Marasescu is the sole driver of these vehicles.

7. Members are asked to consider whether Mr Marasescu is a "fit and proper" person and whether any action should be taken against his Private Hire driver's licence in light of the lack of maintenance of the vehicles that he drives.
8. 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.

9. Members are also asked to consider whether Mr Marescescu's vehicle is fit for use as a Private Hire vehicle and whether any action should be taken against Mr Marescescu's vehicle licence in light of the above failed inspections.
10. The actions open to Members are those contained in Section 18(1) (b) of the Plymouth City Council Act 1975 which provides for the Council to suspend, revoke or refuse to renew a vehicle licence on the grounds that the Hackney Carriage or Private Hire vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle or for any other reasonable cause.
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 16 – Private Hire Vehicle Conditions – states that all tyres and wheels (including the spare) must meet the legal requirements as to suitability for use of the vehicle. Tyres must have a minimum tread depth as required by law. They must be kept in good order and at the correct pressures. A wheel brace and car jack to enable the effective change of tyre and wheel must be carried. If a vehicle is equipped with a space saver spare tyre, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre. It is not permitted to carry passengers using a space saver tyre.

Paragraph 12.3 – Plymouth City Council Hackney Carriage and Vehicle Licensing Policy 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.

12. Mr Marasescu was invited to the previous meeting, but due to an administration fault, the invitation was sent to his previous address. Members are made aware that Mr Marasescu has completed the BTec in Transporting Passengers by Taxi and Private Hire.
13. Mr. Marasescu has been invited to attend this Licensing Committee in order that this matter may be considered.



THIS NOTICE HAS IMMEDIATE EFFECT



Plymouth *MARASCOW*

Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor* *R. P. Marascow*

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. *1314* VRM: *7654 SN7*

At (time): *10.00* hrs, on *31.7.12*

At (place): *BAMOUTH RD*

And I am not satisfied as to:

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

- (a) *Wiper blades showing*
- (b) *Cond on outer body*
- (c) *(photo)*
- (d)
- (e)
- (f)

2. The accuracy of its taximeter.

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

- (1) *That the above defects be rectified within days of the issue of this notice, and the vehicle presented to the issuing officer for further examination.
- (2) *That the vehicle / taximeter must be made available for further inspection at a council approved registered test station for further testing by an authorised vehicle examiner as to its fitness / accuracy.
- (3) *That the vehicle licence is **IMMEDIATELY SUSPENDED** (see Important Note 3 overleaf)

Signed: *[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.

* Delete as applicable

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