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14 November 2012

TAXI LICENSING COMMITTEE

Thursday 22 November 2012

10am

Council House, Plymouth (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.

Tracey Lee
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 25 October 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 PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - C SZIKSZAI (Pages 7 - 14)

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

7. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - G BOITUS (Pages 15 - 20)

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 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 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. APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE - SC (E3 AND E7) (Pages 21 - 26)

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

10. APPLICATION FOR THE GRANT OF A PRIVATE HIRE OPERATOR'S LICENCE - PC (E3 AND E7) (Pages 27 - 32)

The Director for Place will submit a report for the grant of a private hire operator's licence.

LUNCH 1PM - 2PM

11. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - MW (E3 AND E7) (Pages 33 - 42)

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

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

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

13. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - WL (E3 AND E7) (Pages 49 - 54)

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

14. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - SU (E3 AND E7) (Pages 55 - 60)

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

Taxi Licensing Committee

Thursday 25 October 2012

PRESENT:

Councillor Haydon, in the Chair.
Councillor Bowie, Vice Chair.
Councillors Mrs Foster, Mrs Nicholson, Rennie and Singh.

Apology for absence: Councillor Ricketts.

Also in attendance: George Curness (Licensing Officer), Steve Forshaw (Licensing Officer), Andrea Gilbert (Legal Officer), Helen Wright (Democratic Support Officer).

The meeting started at 10 am and finished at 3.15 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.

52. **DECLARATIONS OF INTEREST**

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

53. **MINUTES**

Agreed that the minutes of the meeting held on 6 September 2012 are confirmed as a correct record.

54. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

55. **APPEAL CASES**

There had been no new appeal cases reported since the last meeting.

56. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - J JOURNEAUX**

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from Mr Journeaux;

- (c) heard a report detailing the faults found on Mr Journeaux's vehicles on three occasions and the two breaches of bye laws;
- (d) took into account the following –
 - the vehicle suspension notices imposed previously had already led to a loss of income on several occasions, in addition to a fixed penalty fine and three penalty points issued by the Police in respect of the incident dated 11 May 2012;
 - on none of the occasions on which Mr Journeaux was stopped, did he have passengers in his vehicle;
 - that Mr Journeaux had changed the proprietor of the vehicles he rented and had taken marked steps to make sure that his vehicle was properly checked each day.
- (e) was concerned that –
 - these serious incidents demonstrated a disregard for vehicle and therefore public safety;
 - all five incidents took place within the 12 month provisional period after the issue of Mr Journeaux's hackney carriage driver's licence.

Mr Journeaux's two breaches of licence conditions did not show a commitment to work with the licensing authority which was a relevant consideration in relation to the licensing objective of preventing crime and disorder and protecting consumers.

The committee have serious concerns regarding the apparent disregard for public safety displayed by Mr Journeaux and therefore agreed that it is proportionate to suspend his hackney carriage driver's licence for a period of five days, one day for each breach and suspension notice subject to s19(1) (b) Plymouth City Council Act 1975.

The committee agreed to extend Mr Journeaux's probationary period for a further 12 months after the licence renewal on 13 August 2012. Mr Journeaux's probationary period will therefore be extended until 12 August 2013.

(Councillor Bowie left the room).

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

The committee -

- (a) considered the report of the Director for Place;
- (b) heard from Mr Marasescu and his representative in respect of his offences;

- (c) heard a report detailing the faults found on Mr Marasescu's vehicles on four occasions;
- (d) took into account –
 - the vehicle suspension notices imposed previously had already led to a loss of income on several occasions;
 - an inspection of Mr Marasescu's vehicle in April 2011 found no faults;
- (e) was concerned that –
 - the decision Mr Marasescu made in respect of the maintenance of his vehicle and the answers he provided at today's committee meeting, gave rise to considerable concern for vehicle and therefore public safety;
 - one of the incidents took place within the 12 month provisional period after the issue of Mr Marasescu's private hire driver's licence.

Mr Marasescu's failure to maintain his vehicle correctly had led to his vehicle being found to be defective and in some instances dangerous on four occasions.

In respect of Mr Marasescu's licence and in accordance with s18 of Plymouth City Council Act 1975, the committee have agreed that it is a proportionate decision to suspend his vehicle licence number 1314 for two days.

In respect of Mr Marasescu's private hire driver's licence, the committee have serious concerns regarding the apparent disregard for public safety displayed by him and agreed that it is a proportionate to suspend his private hire driver's licence for a period of three days subject to s19(1) (b) Plymouth City Council Act 1975.

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

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

Agreed that the minutes of the meeting held on 6 September 2012 are confirmed as a correct record.

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

The committee -

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

The committee agreed to grant SPI's application for a private hire driver's licence and agreed to exempt SPI from the Driving Standards and Knowledge of Plymouth tests due to the fact that SPI's licence had only lapsed this year. SPI will be required to complete the VRQ driver qualification in 'Transporting Passengers by Taxi and Private Hire' or its equivalent within the first 12 months of the licence being issued.

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

The committee -

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

The committee agreed to grant MGG's application for a restricted private hire driver's licence subject to the satisfactory completion of the VRQ driver qualification in 'Transporting Passengers by Taxi and Private Hire' or its equivalent within the first 12 months of this licence being issued.

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

The committee –

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

The committee agreed to grant AFB's application for a private hire driver's licence subject to the satisfactory completion of the VRQ driver qualification in 'Transporting Passengers by Taxi and Private Hire' or its equivalent within the first 12 months of the licence being issued.

(Councillor Bowie returned to the room and was present for the remaining items on the agenda).

Order of Business

With the permission of the Chair, the order of business on the agenda was amended, as set out below in the minutes.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from MM and her representatives.

The committee agreed to grant MM's application for a hackney carriage driver's licence subject to the satisfactory completion of the remaining pre-requisite tests, namely the Knowledge of Plymouth test, Driving Standards test and DVLA Group II Medical Certificate and the completion of the VRQ level II driver qualification in 'Transporting Passengers by Taxi and Private Hire' or equivalent within the first 12 months of the licence being issued.

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

The committee –

- (a) considered the report from the Director for Place;
- (b) BLS indicated that he required an opportunity to obtain legal representation to assist him at the hearing.

The committee agreed to adjourn the hearing until the next available committee, in order to enable BLS to arrange for legal representation.

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

The committee –

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

The committee agreed to grant PMI's application for a private hire driver's licence subject to him satisfactorily completing the Driving Standards test and DVLA Group II Medical Certificate but will exempt him from the Knowledge of Plymouth test.

The committee further agreed that PMI will be required to produce a copy of his completed VRQ driver qualification in 'Transporting Passengers by Taxi or Private Hire', to the licensing office within the next seven days. Failure to produce this document by 1 November 2012 will result in him being recalled to the next available Taxi Licensing Committee where all possible sanctions against his licence will be considered.

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

Due to CRW's non attendance at committee, Members agreed that his application for the grant of a private hire driver's licence is held on file until such time as he contacts the licensing department.

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver – Review of Licence Status
Committee: Taxi Licensing Committee
Date: 22 November 2012
Cabinet Member: Councillor Coker
CMT Member: Anthony Payne
Author: George Curness Licensing Officer (Taxis)
Contact: Email george.curness@plymouth.gov.uk
Tel: 01752 307964
Ref: ERS/LIC/GC/cs
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 Szikszai, having due regard for the information contained within the report, any representations made by Mr Szikszai 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: e.g. 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 puts 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

Fin		Leg	AG/15957/12.11. 12	HR		Corp Prop		IT		Strat Procur	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? Yes / No											

Report

1. Mr. Cornel Szikszai is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council on the 5 March 2012. His current licence is due to expire on 4 March 2013.
2. On 16 October 2012, during an enforcement patrol, the vehicle - licence number 1278, VRM NJ03BSY - driven by Mr Szikszai was found to be un-roadworthy.

3. The details of the inspection are as follows,

The rear driver's side tyre was found to be worn to excess. The two front tyres were also found to be below the legal limit on the centre tread.

4. The vehicle licence was immediately suspended. The suspension notice is reproduced at the end of this report as appendix 1. The Road Safety and Casualty reduction officer of Devon and Cornwall Police was called, and on inspection of the vehicle, decided to issue Mr Szikszai with a fixed penalty fine and three penalty points on his DVLA UK counterpart for the rear tyre. Mr Szikszai was given warnings on the two remaining front tyres by the Police Officer. The work was subsequently completed and the suspension was lifted the same day.

A second notice was issued at this time, as the vehicle had a defective front number plate and damage was found to the passenger side rear door. This vehicle defect notice allowed 2 weeks to get these repairs completed to a satisfactory standard.

5. Members are made aware that as the sole driver of vehicle licence number 1278, Mr Szikszai is responsible for its road worthiness. The fact that three tyres were below the legal limit indicates that Mr Szikszai could have 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 that this vehicle, driven by Mr Szikszai has been inspected by licensing officers on other occasions.

On 12 September 2012, licence number 1278, was found to have no faults at that time.

On 24 July 2012, licence number 1278, VRM NJ03BSY, the vehicle driven by Mr Szikszai, was found to have the front passenger side tyre worn to excess. 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.

7. Members are made aware that Mr Szikszai is not the owner of this vehicle. An Officer contacted the owner of the vehicle on 22 October 2012 who confirmed that if Mr Szikszai has any concerns regarding the vehicle he should contact him and the repairs are carried out immediately.
8. Members are made aware that as Mr Szikszai was first licensed in March 2012, this is his first probationary year.
9. Members are asked to consider whether Mr Szikszai 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.

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 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

Private Hire 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.

Chapter 2. – Conditions of Licence

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 10.1 – States that a disciplinary hearing is for any matter concerning the breach of any licence condition or statutory regulation that may require a sanction being sought against any licence, and is determined by the Licensing Committee (Hackney Carriage)

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. As Members are aware that Mr Szikszai is in his probationary year, Members may consider it suitable to extend Mr Szikszai’s probation by a further year, with a warning that further incidents will be dealt with more onerously, whereby Members may take the view recorded in Paragraph 10 to revoke or refuse to renew the licence held by Mr Szikszai.
13. Mr. Szikszai has been invited to attend this Licensing Committee in order that this matter may be considered.

LICENCE SUSPENSION/
VEHICLE DEFECT NOTICE



THIS NOTICE HAS IMMEDIATE EFFECT

Driver/Proprietor MR SZISKAL

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. 1278 VRM NJ03BS7

At (time) 12.55 hrs, on 16/01/12

At (place) PLYMSTOCK B/D

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 1.55 C.T.RGA
- b O/S/R TYRE 1.44 C.T.RGA
- c O/S/R TYRE 1.4-1.13 CENX1
- d 57917264637
- e 304141-0711
- f

2 The accuracy of its taximeter FPN

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

- 1 * That the above defects be rectified withing 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 G CURNISH

Issued by [Signature]

For * Head of Environmental Services Department
* 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 **two 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 appropriate Continued overleaf

THIS NOTICE HAS IMMEDIATE EFFECT

307984



Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor: * MR. SZIKCZAI

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. 1270 VRM: N.T.03 BSY

At (time): 1524 hrs, on 24.07.12

At (place): WILLIAM PRANKS RD

And I am not satisfied as to:

1. Its fitness as a licensed vehicle by reason of the following defects:
 - (a) FNC TYRE - EXCESS WEAR
 - (b) CENTRE TREAD 1.52mm
 - (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:

Issued by: M.C.M.M.L.

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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CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver – Review of Licence Status
Committee Taxi Licensing Committee
Date: 22 November 2012
Cabinet Member: Councillor Coker
CMT Member: Anthony Payne
Author: George Curness, Taxi Licensing Officer
Contact: Email: george.curness@plymouth.gov.uk
Tel: 01752 307964
Ref: ERS/LIC/GC/gtb
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 Gabriel Boitos, 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: e.g. 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:

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	AZG/15736/12.11.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? No											

Report

1. Mr Gabriel Tiberiu Boitos is a licensed Hackney Carriage driver, having been first granted a Private Hire driver's licence by the Council on 2 December 2008. Mr Boitos transferred to Hackney Carriage on 3 September 2009. This licence has been subject to periodic renewal and his current licence is due to expire on the 2 September 2013
2. On 17 September 2012, during the renewal process, it was noted that Mr Boitos had received penalty points on his DVLA licence, which had not been reported to the Licensing Office in the correct manner. The details of these offences are listed below.

On 5 January 2010 at South East Wiltshire PSA

Convicted of exceeding the speed limit on a motorway on 1 April 2009
Mr Boitos was fined £60 and his licence was endorsed with 3 penalty points.

On 10 April 2012 at Warwickshire PSA

Convicted of a non specified offence on 15 July 2011.
Mr Boitos was fined £85 and his licence was endorsed with 3 penalty points.

On 13 February 2010, Mr Boitos was given a fixed penalty fine and 3 penalty points for exceeding the speed limit on a public road.

Mr Boitos therefore has 9 live penalty points endorsed on his DVLA licence.

3. Standard condition of licence number 1(c) requires drivers of Private Hire vehicles to notify the Licensing Unit in writing of any conviction in a court of law in respect of any motoring offences following the grant of a licence within 7 days. There is no record of Mr Boitos having complied with this condition of licence, although Mr Boitos has indicated on his renewal form that he had received these penalty points.
4. Members are made aware that Mr Boitos was a Private Hire driver at the time of the first offence and a Hackney Carriage driver at the time of the other offences.
5. Members are asked to consider whether Mr Boitos is a "fit and proper" person in light of the above convictions and breach of licence condition, and determine what, if any sanction, needs to be applied to his Private Hire driver licence.
6. The actions open to Members are those contained in Section 19(1) (b) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle for any other reasonable cause.
7. In deciding whether Mr Boitos is a "fit and proper" person, Members must have regard to the Council's Hackney Carriage and Private Hire Licensing Policy. The relevant parts of which are detailed below:

General Policy

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

The Licensing objectives are as follows:

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

Chapter 2. – Conditions of Licence

Paragraph 12.3 states that when considering whether 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.

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 10.1 – States that a disciplinary hearing is for any matter concerning the breach of any licence condition or statutory regulation that may require a sanction being sought against any licence, and is determined by the Taxi Licensing Committee.

Paragraph 10.2 - Gives the Committee the discretion to direct a driver appearing 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 the disclosure of a criminal record or other information will not automatically prevent any 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 hold or 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.

8. Mr Boitos has completed the level 2 NVQ in Road Passenger Vehicle Driving.
9. Mr Boitos has been invited to attend this Licensing Committee in order that these matters may be considered.

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