



**Tracey Lee**  
Chief Executive

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

Please ask for Helen Wright, Democratic  
Support  
T 01752 304022  
E [helen.wright@plymouth.gov.uk](mailto:helen.wright@plymouth.gov.uk)  
[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)  
15 January 2013

## **TAXI LICENSING COMMITTEE**

Thursday 24 January 2013  
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 - 10)**

To confirm the minutes of the meeting held on 20 December 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. CORNWALL STREET RANK REVIEW**

**(Pages 11 - 24)**

The Director for Place will submit a report on the Cornwall Street Rank Review.

#### **7. HACKNEY CARRIAGE AND PRIVATE HIRE FEES**

**(Pages 25 - 32)**

The Director for Place will submit a report on the Hackney Carriage and Private Hire Fees.

#### **8. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - S R DONEY**

**(Pages 33 - 38)**

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

**9. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE (Pages 39 - 48)  
STATUS - P MARASESCU**

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

**LUNCH 1PM - 2PM**

**10. EXEMPT INFORMATION**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following 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.

**11. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 49 - 50)**

To confirm the minutes of the meeting held on 20 December 2012.

**12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - SD (E3 AND E7) (Pages 51 - 56)**

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 - DCS (E3 AND E7) (Pages 57 - 62)**

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 - JJB (E3 AND E7) (Pages 63 - 68)**

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 20 December 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: Sharon Day (Legal Officer), Steve Forshaw (Licensing Officer – pm only), Mark Small (Licensing Officer – am only) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.48 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.*

### 80. **DECLARATIONS OF INTEREST**

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

### 81. **MINUTES**

Agreed that the minutes of the meeting held on 22 November 2012 are a correct record.

### 82. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

### 83. **APPEAL CASES**

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

### 84. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - C M CRACIUN**

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from Mr Craciun that –

- he accepted that he was speeding and that he was travelling at 38mph in a 30mph zone;
- he had not received the letters from the court about the offences and had been informed of the convictions following a phone call from the court in October/November 2012;
- he accepted that he had failed to report the convictions in accordance with the Hackney Carriage Byelaws and said that he did not know that he had to; he did confirm that he had been given a copy of the Byelaws when he was first licensed;
- he apologised for committing the offences;

(c) took the following into account -

- Mr Craciun had been a hackney carriage driver since July 2011 and that his current licence was due to expire on 8 July 2013;
- on 14 August 2012, Mr Craciun had been convicted of failing to give the identity of a driver of a metro cab which was alleged to have been involved in a speeding offence on 3 March 2012; he had been fined £600 and had his licence endorsed with six penalty points;
- he had been convicted of using a hand held mobile phone whilst driving on 21 April 2012 (which was during the application process and prior to being granted his licence) and had been fined £60 and had his DVLA licence endorsed with three penalty points;
- he now had a total of nine live points on his licence;
- he had failed to report the 2012 conviction in accordance with Hackney Carriage Byelaws;
- motoring offences were a relevant consideration when considering a driver's suitability to retain a licence;
- Mr Craciun had completed the VRQ qualification;
- Mr Craciun had answered a question in his Knowledge of Plymouth test which indicated that he knew he had to report the conviction;
- all that Mr Craciun said above.

(d) were concerned that –

- Mr Craciun had nine live points on his licence;
- Mr Craciun was aware that he had to report the convictions but that he had failed to do so;
- he had disregarded the rules of the road in relation to speeding and Plymouth City Council Byelaws in failing to report his conviction;
- Mr Craciun had asked a friend whether he had to report the conviction rather than contacting the licensing office;
- Mr Craciun had a fare on board when he was speeding.

The committee agreed that having regard to all of the above, Mr Craciun's hackney carriage driver's licence will be suspended for a total of three days, in accordance with section 19(1)(b) of the Plymouth City Council Act 1975; this being two days for failing to report the conviction in accordance with the byelaws as this did not demonstrate a commitment to work with the licensing authority and one day in respect of the speeding offence which raised concerns for public safety, all of which are relevant under the Council's licensing objectives.

85. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - C R WILDMAN**

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from Mr Wildman that –
  - he checked his vehicle's tyres daily and had checked the tyres on 31 October 2012;
  - he was very sorry for what happened and had been very surprised when told by the licensing officer that his tyres were bald;
  - he had taken the vehicle to two garages the next day and a problem had been found with the tracking and also other issues had been discovered which had led to excessive wear on the inside of both tyres; these problems had been rectified by the garages on 1 November 2012 prior to the suspension being lifted;
  - he had numerous compliments and character references which showed that he was a helpful and courteous driver;

- if his hackney carriage driver's licence was suspended and not his vehicle licence this would have a detrimental effect on his disabled passengers;
  - he usually got 25,000 miles out of his front tyres as he buys the best quality tyres but in this case he had only got 9,412 miles out of the front tyres;
- (c) took the following into consideration –
- Mr Wildman had been a licensed hackney carriage driver since May 2002 with his current licence being due to expire in May 2015;
  - during a routine inspection on 31 October 2012, Mr Wildman's hackney carriage vehicle had been found to be unroadworthy due to the fact that both front tyres were worn down to the cord; the vehicle licence had been immediately suspended; the suspension was lifted the following day when the repairs had been carried out;
  - that Mr Wildman's vehicle had been inspected on other occasions in the past year at which time the vehicle was found to be satisfactory;
  - it was a condition of the hackney carriage vehicle licence that all tyres and wheels must meet the legal requirements as to suitability for use on the road;
  - Mr Wildman drove and owned the vehicle and as the driver was responsible for its roadworthiness;
  - all that was said by Mr Wildman;
- (d) were concerned that –
- the tyres were so bald that the cord was showing and this was a public safety concern; the committee also found it difficult to accept that such wear had occurred in one day between checks;
  - if the defective tyres had not been picked up by the licensing officer, it was possible that Mr Wildman could have carried on driving passengers.

The committee agreed that –



- (1) Mr Wildman's hackney carriage driver's licence will be suspended for a period of two days under section 19(1)(b) of the Plymouth City Council Act 1975 as bald tyres are a public safety concern which is a relevant consideration under the Council's licensing objectives;
- (2) no action will be taken against Mr Wildman's hackney carriage vehicle licence as the vehicle is now fit for use and there are no reasonable cause for any action to be taken against the licence under section 18 of the Plymouth City Council Act 1975.

86. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - S R ROMAN**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Roman that –
  - he apologised that the tyres had been defective and accepted that this was his fault;
  - he checked the tyres once a week with the owner of the vehicle;
  - he had an arrangement with the owner of the vehicle for repair and replacement of tyres;
- (c) took the following into account –
  - that Mr Roman had been first licensed by the Council on 20 February 2012 and his current licence was due to expire on 19 February 2013;
  - during a joint enforcement patrol with the police on 2 November 2012, Mr Roman's private hire vehicle was found to be unroadworthy due to the fact that his rear passenger side tyre was found to be worn to excess;
  - as a result of the above the vehicle licence had been immediately suspended but was lifted the same day following the rectification of the fault;
  - on 11 October 2012 again during a joint enforcement patrol Mr Roman's vehicle was found to be unroadworthy due to the fact the front passenger side tyre was found to be worn to excess;

- as a result of the above the vehicle licence was immediately suspended but lifted the same day following the rectification of the fault;
  - it was a condition of the private hire vehicle licence that tyres and wheels must meet the legal requirements;
  - Mr Roman rented the vehicle but was the sole driver;
  - these issues had occurred within the first 12 months of him being licensed as a driver;
  - all that Mr Roman said above;
- (d) were concerned that –
- these problems had occurred within the first 12 months of Mr Roman being licensed as a driver which was effectively a probationary period;
  - Mr Roman only checked his tyres once a week and that they should be checked more regularly.

The committee agreed that –

- (1) taking all of the above into account Mr Roman's private hire driver's licence will be suspended for two days in accordance with Section 19(1)(b) of the Plymouth City Council Act 1975, as bald tyres are a public safety concern which is a relevant consideration under the Council's licensing objectives;
- (2) Mr Roman's probationary period as a driver will be extended for a further 12 months;
- (3) no action will be taken against the private hire vehicle licence as the vehicle is now fit for use and there is no reasonable cause to take any action against the licence under section 18 of the Plymouth City Council Act 1975.

87. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - R J DINGLE**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from Mr Dingle that –
  - he accepted that he had not checked his tyres properly and that he was at fault;

- he had learnt his lesson and now checked his tyres in daylight daily and that he was more vigilant;
- (c) took the following into account –
- Mr Dingle had been a licensed private hire driver since September 2004;
  - on 2 November 2012 during a joint enforcement patrol Mr Dingle's vehicle was found to be unroadworthy due to the fact that the front driver's side tyre was worn to excess to the extent that the cord was showing on the inner trend;
  - the vehicle licence was immediately suspended and was lifted on 5 November 2012 when the fault had been rectified;
  - it was a condition of the private hire vehicle licence that all tyres and wheels must meet the legal requirements as to suitability for use of the vehicle;
  - Mr Dingle was the owner and sole driver of the vehicle and was therefore responsible for its roadworthiness;
  - all that Mr Dingle said above;
- (d) were concerned that Mr Dingle had a bald tyre whilst working and that this raised concerns for public safety.

The committee agreed that –

- (1) taking all of the above into consideration, Mr Dingle's private hire driver's licence will be suspended for two days as bald tyres raised concerns for public safety which is a relevant consideration under the Council's licensing objectives;
- (2) no action will be taken against Mr Dingle's private hire vehicle licence as the vehicle was now fit for use and there was no reasonable cause to take any action against the licence under section 18 of the Plymouth City Council Act 1975.

88. **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.

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

Agreed that the minutes of the meeting held on 22 November 2012 are confirmed as a correct record.

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

The committee –

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

The committee agreed to grant NKL's application for a private hire driver's licence subject to him satisfactorily completing the three pre requisite tests and the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire or its equivalent within the next 12 months of the grant of this licence.

*(Please note: there is a confidential part of this minute)*

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

The committee –

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

The committee agreed to grant SWA's application for a hackney carriage driver's licence subject to him satisfactorily completing the medical examination and driving test prior to being granted the licence; SWA did not have to take the Knowledge of Plymouth test; SWA is required to complete the VRQ qualification in Transporting Passengers by Taxi and Private Hire or equivalent within the first 12 months of being granted this licence.

**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.

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

The committee –

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

The committee agreed to grant RN's application for a private hire driver's licence subject to him satisfactorily completing all the pre requisite tests and completing the VRQ driver qualification in Transporting Passengers by Taxi and Private hire or its equivalent within the first 12 months of the grant of this licence.

*(Please note that Councillor Singh was not present for the following items on the agenda)*

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

The committee –

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

Having taken the above into account the committee agreed to refuse to grant NR's application for a private hire driver's licence as he is not considered to be a fit and proper person to hold a licence.

*(Please note: there is a confidential part of this minute)*

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

The committee –

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

The committee agreed to grant CRW's application for a private hire driver's licence subject to him satisfactorily completing all the pre requisite tests and the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire or its equivalent within the first 12 months of the grant of this licence.

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## CITY OF PLYMOUTH

Subject: Cornwall Street Rank Review  
Committee: Taxi Licensing Committee  
Date: 24 January 2013  
Cabinet Member: Councillor Coker  
CMT Member: Anthony Payne, Director for Place  
Author: Andy Netherton, Unit Manager (Safety, Health and Licensing)  
Contact: Tel: 01752 304742 Email: andy.netherton@plymouth.gov.uk  
Ref:  
Key Decision: No  
Part: I

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**Purpose of the report:**

To inform the Committee of the results of an investigation into the potential for a hackney carriage rank at Cornwall Street, adjacent to Drake Circus.

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**Corporate Plan 2012-2015:**

**Deliver Growth** – An efficient and professional hackney carriage service forms part of the City's public transport system. The tourist economy will benefit from a high quality and efficient transport system

**Reduce Inequality** – Research has identified that those on lowest incomes have a proportionately greater use of taxis. Disabled groups will also have specific demands for these services, which includes ease of access and usage across the city.

**Provide Value for Communities** – The provision of any Council service must provide best value

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

None

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**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

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.

Access to an effective transport system has been considered within this report. Although there may be marginal benefit from the provision of a rank in Cornwall Street the risks to public safety outweigh these benefits. Suitable alternative provision exists on nearby ranks.

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**Recommendations & Reasons for recommended action:**

That the Committee note the contents of this report

The delegated authority for the approval of hackney carriage ranks is the responsibility of the Cabinet Member for Transport.

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**Alternative options considered and reasons for recommended action:**

None

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**Background papers:**

All papers are attached

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**Sign off:**

Fin		Leg	16294/ag/ 10.1.13	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? Yes											



The Taxi Licensing Committee requested that officers investigate the possibility for a new hackney carriage rank to be introduced in Cornwall Street. This report identifies the work completed by officers and the findings of their investigations.

### **Historical Background**

A rank existed to the rear of Marks and Spencers in Cornwall Street for many years, which was reasonably well used. This rank was removed as part of the redevelopment for the Drake Circus development and not replaced due to the new traffic management plan. This was introduced to minimise vehicular access for public safety and to improve the pedestrian experience.

There have been frequent requests by the trade to re-introduce this rank and the licensing team have facilitated discussions over the years. Each time objections have been received from the Police, Highways and the Parking Unit. The principle problems relate to the potential for increased vehicle usage and over ranking which would cause unacceptable risks to public safety.

### **Legal Background**

The process for the introduction of a new rank is governed by S.21 Plymouth City Council Act 1975. For a rank to be approved the Council must:

- Give notice to the Police
- Issue a public notice in the press
- Consider objections

No rank may:

- Unreasonably prevent access to property
- Affect bus stops
- Be on a highway without the consent of the Highway Authority

### **Current Rank Provision**

Appendix I shows the position of the existing daytime ranks and their capacities.

Of these ranks only Old Town Street is used by the trade and therefore frequented by the public. Whimple Street is used as a feeder rank for Old Town Street.

For those that have mobility impairment the ranks in Charles Street and Mill Street could provide an alternative to Old Town Street if serviced by the trade.

### **Current Access and parking restrictions**

The original traffic management plan was introduced to minimise vehicle access and as such a rising bollard was installed. This, apart from a very short period, has never been used. Vehicles are prevented from loading at any time in the pedestrianised area. Recent case law, however, does permit vehicles to drop off or pick up. Providing licensed vehicles are not waiting for a fare then no civil enforcement action will be taken by the parking unit.

Licensed vehicles routinely access Cornwall Street on pre-booked journeys. M&S has a free phone available for customers to call a private hire company for this purpose.

Vehicles are instructed to undertake any manoeuvring in the rear courtyard to reduce risks to pedestrians.

## Current Rank Review

The Taxi Licensing Committee requested that the provision of a rank in Cornwall Street be reviewed. This was based on a perception of passenger need and to provide convenient access for those with mobility restrictions. An additional rank may also assist in reducing over ranking at Old Town Street and its feeder ranks.

Officers requested a road safety audit and obtained initial observations from the Police, Highways and the City Centre Traffic Management Group. An 'appeal' was also requested from Highways to review the findings of the road safety audit

The results of this consultation were as follows:

### Road Safety Audit

The report is contained in Appendix 2. The recommendation from this report was to not increase the numbers of vehicles using this pedestrianised area (including access to the rear courtyard of Marks and Spencer) for the following reasons:

- Pedestrians are less likely to expect vehicle movements in the area
- Continued vehicle usage will damage paving and may cause slips or trip hazards
- Vehicle manoeuvring, e.g. turning, increase risk of injury
- There are under utilised ranks nearby

### Police

The Police fully supported the recommendations of the Road Safety Audit and would not support the introduction of a rank.

### Parking Unit

Agreed with preventing further vehicle usage to this area, but may accommodate usage of the rear courtyard.

### City Centre Company Manager

Provided the current drop off and pick up point arrangement remains then he can see no reason for a rank. Any new rank would increase risk to pedestrians and encourage parking along the pedestrianised route.

### Highways

Agreed with the audit findings in objecting to a rank along the Cornwall Street area, but would accept a rank in the rear courtyard.

### Plymouth Licenced Taxi Association

The PLTA were contacted regarding the potential for a rank in the rear courtyard and their response is contained in Appendix 3. They do not feel that a rank in the rear courtyard would be supported or practical but wanted a rank in Cornwall Street.

### Disabled groups

Discussions were held with Shop Mobility, Plymouth Area Disability Action Network and the Social Inclusion Unit.

Feedback indicated that the current level of rank provision was satisfactory and there was no feeling that an additional rank within Cornwall Street was required to meet a demand.

Information gathered as part of the Unmet Demand Survey indicated that the majority of disabled passengers will use pre booked services (Hackney or Private Hire), rather than utilise ranks.

## **Rear Courtyard**

The rear courtyard presents some practical and safety issues if it were to be considered as a rank location.

Currently this area is heavily utilised by HGVs and other vehicles for the delivery of products to the commercial outlets that surround the courtyard.

The use of this area has three major negative aspects:

- Loading/unloading bays would have to be removed from use during shopping hours. This would need the approval of the businesses using these bays and deliveries would have to be timed outside of the rank operation.
- The rank must be carefully located to avoid risks to the public from manoeuvring HGVs. This may require an additional safety audit
- The rank would be unsighted from the access road and so licensed vehicles would access this area speculatively. Where the rank was full this may lead to over ranking but also will lead to increased unnecessary vehicle movements in Cornwall Street, which was a major cause for concern in the road safety audit.

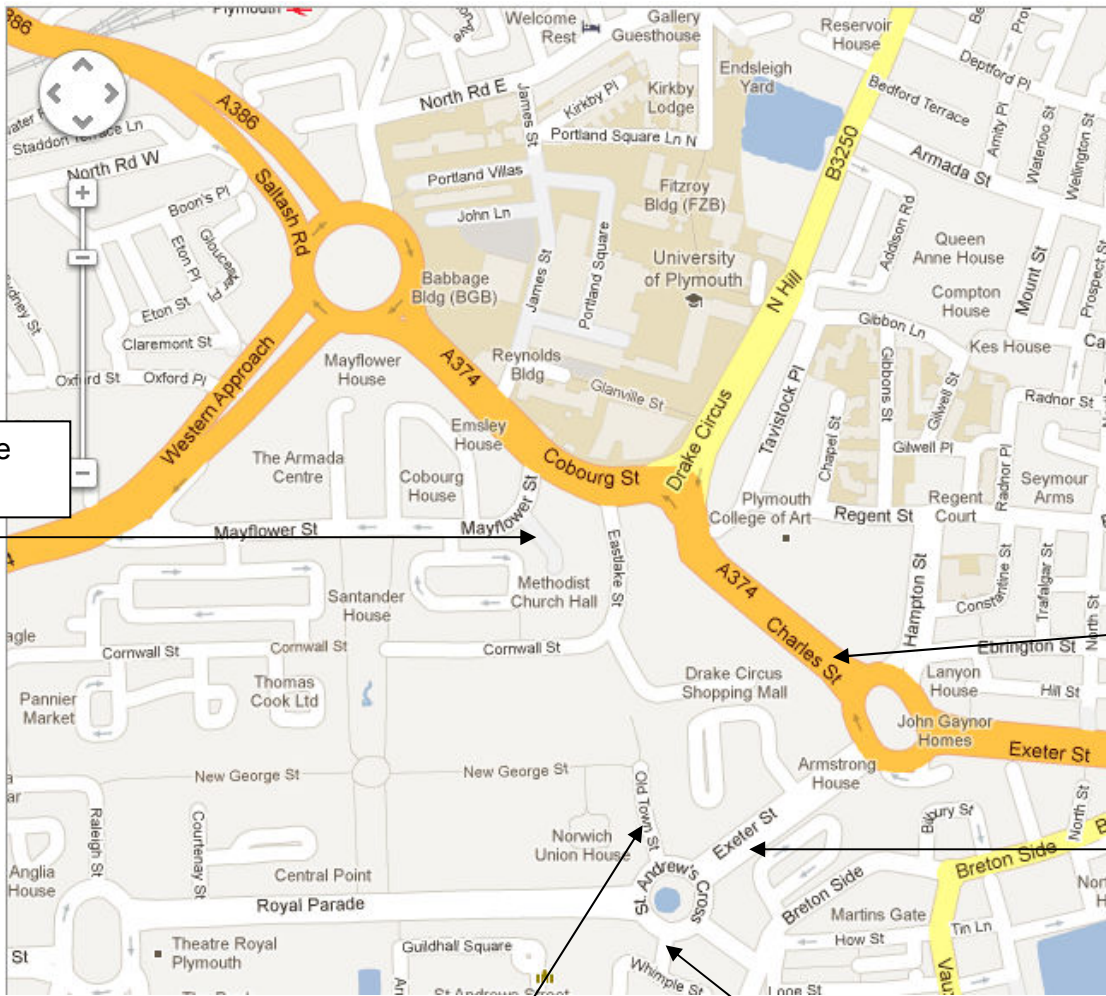
## **Conclusions**

- There is general consensus amongst the Police and Highways that a rank positioned along Cornwall Street adjacent to Drakes Circus would receive objections based on unacceptable risks to public safety.
- The only potentially acceptable area is the rear courtyard accessed from Cornwall Street
- There are practical problems in locating a rank in the courtyard that would prevent a rank being introduced
- The PLTA did not support a rank in the rear courtyard
- A large amount of time would be required to try and resolve the problems of using the rear courtyard, when it may not receive the support from the trade
- Passengers, including those with mobility issues, have access to a well supplied rank in Old Town Street and other ranks are available if serviced by the trade
- Alternative ranks are not well signposted and so are not used by the trade or passengers who are use to the rank in Old Town Street.
- There is, therefore, no benefit in undertaking further work on a rank adjacent to Drakes Circus at this time.

## **Future actions**

The option for a rank in Cornwall Street, adjacent to Drakes Circus will be kept under review and new proposals brought forward if circumstances change. The legislative changes brought about by the Law Commission review of taxi legislation may introduce new concepts and new requirements for rank approval. Licensing Officers meet quarterly with the PLTA and Cornwall Street will be reviewed should circumstances change.

**Appendix I**  
**Map of current ranks near to Drakes Circus**



2 space rank

2 space rank

4 space rank

14 space rank

3 space rank

**Appendix 2**

Taxi Rank Assessment, Cornwall Street, City Centre  
ROAD SAFETY AUDIT REPORT - STAGE 1

**BEST ACHIEVING  
COUNCIL OF THE YEAR**



TRANSPORT AND HIGHWAYS

PLYMOUTH.GOV.UK/HIGHWAYS

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**Taxi Rank Assessment  
Cornwall Street,  
City Centre  
Plymouth**

**ROAD SAFETY AUDIT REPORT – FEASIBILITY STAGE**

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**Plymouth Transport & Highways**

**Amey Consulting**

**Report number: 1474924 – RSA FS**

**March 2012**

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## 1. INTRODUCTION

This report results from a Feasibility Stage Road Safety Audit requested by Plymouth City Council for the review of the possibility of providing a taxi rank in the pedestrian zone at the east end of Cornwall Street, Plymouth or in the delivery yard to the rear of the Marks and Spencers Store.

The site was inspected on Monday 5<sup>th</sup> March 2012. The weather conditions were overcast and the road surface was dry.

The audit was carried out by:

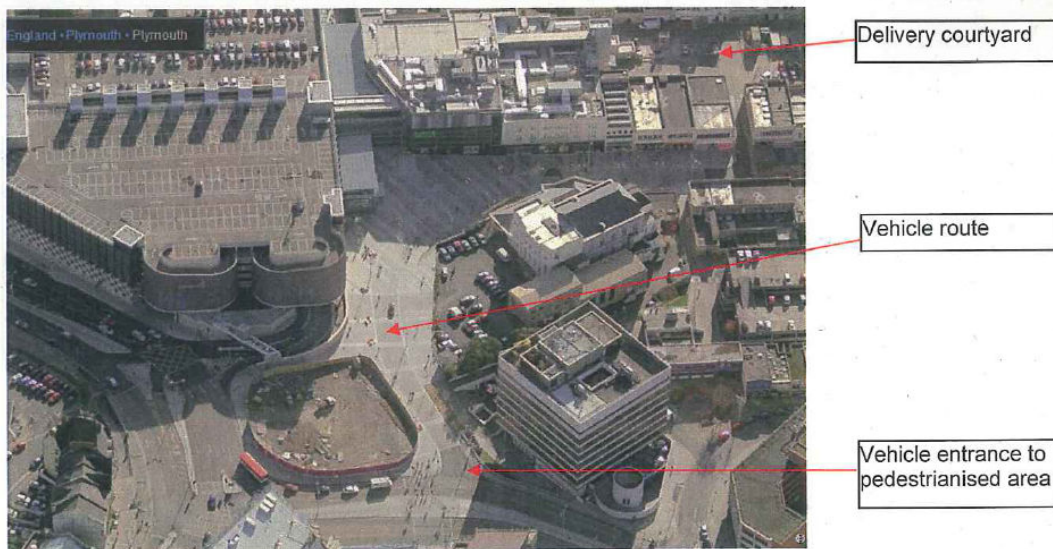
**Graham Martin**

Engineer, Plymouth Transport & Highways, Amey Consulting.

The audit has been carried out with reference to *Plymouth City Council's Road Safety Audit Procedures May (1999)*. The auditor has examined only those issues within the design relating to the road safety implications of the scheme and has therefore not examined or verified the compliance of the design to any other criteria. It is the responsibility of the designer to verify the design or proposed changes in design.

2.0 SITE CONDITIONS

The eastern end of Cornwall Street is a pedestrianised shopping street where pedestrians predominate and have full use of the width of highway on a single level with no kerbs. The traffic regulation orders for this area show no motor vehicles at any time except for access and no waiting or loading at any time on the areas of highway maintained at public expense. The area contains the entrances to Drakes Circus Shopping Centre, Marks and Spencer's store, some cafes and a number of other retail outlets. There is a heavy pedestrian flow to and from the university campus and the North Hill area of the city to the north of Cornwall Street. The area is surfaced using a combination of granite and precast concrete slabs, setts and blocks. There is a route through the area marked by granite blocks and channels for vehicles delivering to the courtyard at the rear of the properties. This route is constructed to sustain the loadings created by motorised vehicles but other areas are constructed to maintain pedestrian and occasional vehicle loadings only. If vehicles persistently drive over these other areas they will crack the slabs and cause the surface to break up, creating trip hazards for pedestrians and a maintenance issue.



As designed, pedestrians use the pedestrianised zone for walking and congregating. As there is a low number of vehicles using the area there is a correspondingly very low number of personal injury accidents reported in the City Centre pedestrianised zones. However, the reported accidents do include vehicles turning adjacent to groups of pedestrians hitting members of the groups and pedestrians stepping backwards into the path of a vehicle which they have not heard approaching.

There are two taxi ranks on the fringes of the pedestrianised areas, one in Old Town Street and the other in Raleigh Street. These are located on the carriageway adjacent to kerbed footways which help to segregate the pedestrians from the vehicles. An inspection of the carriageway at these ranks shows that the surfacing is breaking up and pitted in Raleigh Street and Old Town Street has oil deposits, all due to the diesel and oil that is leaked from the waiting taxis. As these areas are in the carriageway away from pedestrian crossing points and desire lines they are a very small hazard to pedestrians when taxis are not waiting on the ranks. In areas where pedestrians would frequently use they would create risks of pedestrians slipping, tripping and falling.



**5.0 Issued Raised from this Feasibility Stage Safety Audit**

Vehicles in pedestrian zones create an obstruction for pedestrians when parked, increase the risks of injury accidents with pedestrians when moving and consistent parking in the same areas damages and contaminates the surfacing creating risks of slips, trips and falls to pedestrians using the area.

**5.0 Conclusion**

Unlike traffic calmed and 'home zone' areas where vehicles are expected and pedestrians are aware of and anticipate vehicle movements, pedestrianised zones are created to allow entry by very little vehicular traffic and therefore pedestrians are less likely to expect and anticipate vehicle movements.

**5.0 Recommendation**

Do not increase the number of vehicles allowed to enter the pedestrian zone but continue to enforce the existing traffic regulation orders. Do not allow additional vehicles to enter the zone to access the rear courtyard used by delivery vehicles for Marks and Spencers etc. Any proposed taxi ranks should be outside the boundary of the pedestrian zones such as the existing ranks in Mayflower Street, Old Town Street and Raleigh Street, where ranks can be provided on the carriageway away from pedestrian routes and desire lines. There are also underused ranks in Charles Street, Tavistock Place and outside the Money Centre which could be better utilised.

**5.0 AUDIT TEAM STATEMENT**


I certify that the Audit Team has examined the site specified with the sole purpose of identifying any features that could be removed or modified in order to improve the safety of the scheme. The problems identified have been noted in this report together with any associated safety improvement suggestions, which I recommend should be studied for implementation.

The Auditors have had no relevant involvement in the scheme design.

**AUDIT TEAM LEADER**

Graham Martin

Signed: .....



Date .....

19/3/12

Engineer, Integrated Transport Improvement Team, Amey Consulting  
Plymouth Transport & Highways  
Floor 10  
Civic Centre  
Armada Way  
Plymouth  
PL1 2AA

Appendix 3



**Plymouth Licensed  
Taxi Association**

Mr. Andrew Netherton,  
2012.

20<sup>th</sup> October,

Unit Manager for Health & Safety and Licensing,  
Plymouth City Council,  
Civic Centre,  
Plymouth,  
PL1 2EW.

By E-Mail

Dear Mr. Netherton,

**RE: CORNWALL STREET EAST TAXI RANK**

We thank you for your E-Mail regarding a Taxi Rank for the above location.

On Friday 19<sup>th</sup> October, 2012 John Beaumont, Roy Hamilton and Christopher Wildman visited the Rear Car Park behind Marks & Spencer and Halfords etc. and Cornwall Street East and we wish to comment as follows:

1. a. The Car Park is kept clear for Heavy Goods Vehicles to manoeuvre and is out of sight.
  - b. The Public will not go to a taxi rank that they cannot see.
  - c. Taxi Drivers will not know if there are any Taxis on the Taxi Rank; this has the potential to cause a Pedestrian/Taxi conflict in Cornwall Street East as Taxi Drivers drive in and out on wasted journeys.
2. After looking at Cornwall Street East outside Marks & Spencer and Halfords we debated the situation. After careful consideration we wish to submit the following:
  - i) At Lamp Post 26 there could be one Taxi; Supported by:-
  - ii) At Lamp Post 30 a 4 vehicle Taxi Rank.

There is high footfall within the discussed area and we would like to keep Taxi movements as low as possible.

A Taxi Rank at Lamp Post 30 can be observed from Cobourg Street prior to turning left into Cornwall Street East thereby reducing the number of Taxis entering the area.

Should there be only one Taxi Rank; a Taxi on Lamp Post 30 could be beckoned towards Halfords by a potential passenger as is the case at other locations.

The Taxi Trade has lost a lot of custom with the removal of the Cornwall Street Taxi Rank and wish to have a replacement as a matter of urgency for the benefit of, not only the Taxi Trade but also, the elderly, mobility impaired and wheelchair using members of the public who tend to use this area.

Yours faithfully,

RWHamilton

(R. W. Hamilton) Secretary.

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Subject: Hackney Carriage and Private Hire Fees  
Committee: Taxi Licensing Committee  
Date: 24 January 2013  
Cabinet Member: Councillor Coker  
CMT Member: Anthony Payne, Director for Place  
Author: Andy Netherton  
Contact details: Tel: 01752 304742  
Email: andy.netherton@plymouth.gov.uk  
Ref: AN/Fees13  
Key Decision: No  
Part: I

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**Purpose of the report:**

Plymouth City Council regulates the Hackney Carriage and Private Hire industry through the licensing framework set out in the Plymouth City Council Act 1975. Fees for licences should be set at a figure which will recover the full cost of the licensing administration including enforcement. The budgets for licensing are operated as two trading accounts, one for Private Hire and the other for Hackney Carriage.

A review of the current fees has been undertaken to balance the two trading accounts. A new fees structure has been drafted. The recommended fees structure has been designed to achieve:

- An accurate reflection, in the fee, of the true cost of the administration of different licence types.
  - Bringing the accounts into balance
- 

**Corporate Plan 2012 – 2015:**

**Deliver Growth** – An efficient and effective hackney carriage and private hire trade will form an important part of the transport infrastructure for residents and visitors to the City. The trades employ a significant number of people and support local businesses through their activity. Hackney carriages and private hire form part of the successful public transport system and visitor experience

**Provide Value for Communities** - The regulation of the trade is important to ensure safety and quality of the services provided. Fee levels must reflect the full cost of regulating the trade whilst minimising regulatory burdens.

---

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

The Hackney Carriage and Private Hire accounts have been subject to periods of both excessive surplus and deficit over the last 10 years. This fee report is the fourth in a series of reviews designed to ensure that both accounts come into an acceptable level of balance by 31<sup>st</sup> March 2014.

The fee levels in this report have been set to continue in achieving this aim. Future annual reviews will ensure that any changes in projected income or expenditure are identified and appropriate action taken to adjust fee levels.

Both accounts are separate trading accounts and should have no affect on general fund accounts.

**Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

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.

Lower income groups are a significant user of the hackney carriage and private hire trade. Increases in fee levels have an influence on fare levels. Fee levels should be reasonable so as not to adversely affect fares charged.

**Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? Yes

**Recommendations and Reasons for recommended action:**

The Committee resolve to:

Agree for the new fee structure, as set out in the Fees Table (Appendix 1), to be advertised in accordance with statutory requirements. A period of 21 days will be given for objections.

**Reason**

The Hackney Carriage taxi reserve account is projected to be in deficit by £5,000 and the Private Hire taxi reserve account in surplus by £200,000 by 31<sup>st</sup> March 2013. The 10% reduction to both trades is projected to bring both accounts into a more sustainable balance.

**Alternative options considered and rejected:**

Consideration was given to a larger decrease in fees. Larger decreases may result in larger future variations in order to maintain a balanced account, especially if central support recharges do increase significantly.

**Published work / information:**

None

**Background papers:**

None

**Sign off:**

Fin	CF/PaceFE SD1213003. 11.01.12	Leg	16529/ag/ 4.1.13	Mon Off		HR		Assets		IT		Strat Proc
Originating SMT Member												
Has the Cabinet Member(s) agreed the content of the report? Yes												

## **1.0 Background Information**

Plymouth City Council regulates the Hackney Carriage and Private Hire industry through the licensing framework set out in the Plymouth City Council Act 1975. Fees for licences should be set at a figure that will recover the cost of the licensing administration including enforcement. The budgets for taxi licensing are operated as two trading accounts, one for Private Hire and the other for Hackney Carriage.

- 1.1 A major review of the fee structure and levels was undertaken over 2007 and 2008, which resulted in a new fees structure which came into effect on the 3<sup>rd</sup> January 2009. It was proposed that an annual fee review be undertaken to ensure that the accounts came into balance by 31<sup>st</sup> March 2014.

The last review resulted in the current fee structure commencing on the 1<sup>st</sup> January 2012.

- 1.2 In preparation for this fee annual review meetings have been held with the Plymouth Licence Taxi Association (PLTA). It is hoped that any major objections have been resolved.

Appendix I contains the current fees and proposed fees levels for 2013/14.

## **2.0 Legal Framework**

### **2.1 Drivers Licences**

The Council may make a charge for the grant of the licences for drivers of Hackney Carriages and Private Hire vehicles by virtue of Section 11(2) of the Plymouth City Council Act 1975. The fees must be considered reasonable with a view to recovering the costs of issue and administration (including enforcement) of the licence.

### **2.2 Vehicle Licences**

The Council may make a charge for the issue of a vehicle licence for a Hackney Carriage or a Private Hire vehicle by virtue of sections 5A and 28 of the Plymouth City Council Act 1975. These fees can include the:

- Reasonable costs of inspection of vehicles
- Reasonable cost of providing ranks for Hackney Carriage vehicles, and;
- Any reasonable or other costs connected with the administration and enforcement of Hackney Carriage and Private Hire vehicle licensing.

### **2.3 Operators Licences**

The Council may make a charge for the issue of Private Hire Operators licences by virtue of section 28 of the Plymouth City Council Act 1975. The Operators fee should relate to the costs for grant, renewal and of administering the licensing scheme and should be reasonable.

- 2.4 It is considered that all reasonably incurred legal expenses and professional charges incurred in taking or defending proceedings which are directly related to the control, supervision, administration and / or enforcement of all parts of the Hackney Carriage and Private Hire trade should be charged to the relevant part of the taxi reserve accounts.

## **3.0 Process to vary fees**

- 3.1 To be able to vary the fee structure there is a statutory process required under s.28 Plymouth City Council Act 1975 which is as follows:

1. An advertisement will need to be placed in the Evening Herald giving a minimum of 14 days from publication for objections to be received.

2. If no objections are received within that time limit then the date the fee change comes into effect is the date specified in the notice as being the end of the period for objections (which would also be the case if any objections are received but withdrawn before the end of that period)
3. Any objections received will be fed back to this Committee for consideration once the consultation period has elapsed.
4. At this time Members will be required to consider the objections and decide whether to amend the fees in line with objections or to continue with the changes as proposed.
5. The earliest any change could be effective, if there were no objections, would be 14 days after the date the advertisement appeared in the press.
6. The latest any change could become effective would be 2 months after the initial advertisement is placed.

#### **4.0 Allocation of expenses and income**

- 4.1 In setting its fees the authority should seek to recover the total cost of the administration of that licence or process. The fees for the five licence types, Hackney Carriage driver and vehicle, Private Hire driver, vehicle and operator, will be set at a level to recover the costs of all control, supervision, administration and/or enforcement associated with the licence type.
- 4.2 Where specific expenditure can be associated with a particular trade the amount is allocated to that trade budget, e.g. postage costs, vehicles plate costs etc. Where generic expenditure is incurred, including reasonable central support service recharges, this is allocated on a 35% (Hackney Carriage) and 65% (Private Hire) basis. An example would be printer consumables and stationery.
- 4.3 The basis for this split was agreed in the December 2008 Committee meeting and is still an accurate reflection based on;

##### Split of licences

Hackney Carriage Vehicles 367 (32%) Private Hire Vehicles 773 (68%)

Hackney Carriage Drivers 437 (35%) Private Hire Drivers 797 (65%)

##### Licence Administration

Between April and November 2012 a total of 2149 applications were received for new licences or for the renewal, transfer, cancellation or surrender of existing licences. Of these 28% were related to the hackney carriage trade and 72% to the private hire trade.

##### Level of enforcement activity

Total vehicle checks undertaken were 423, with 36% being hackney carriage and 64% private hire

These checks revealed 322 vehicles with one or more non conformities with the vehicle specification, with 39% being hackney carriage and 61% private hire

For the last 12 Taxi Committee meetings a total of 86 Committee Reports were presented involving drivers, vehicles or operators of these 37% were Hackney carriage and 63% were Private Hire.

Hackney carriage licensing does however have unique requirements which add costs;

- The current process of limiting the number of Hackney Carriage vehicle licences
- Rank reviews and maintenance
- Taxi tariff reviews



3.4 It is felt that the current allocation of 35% hackney carriage and 65% private hire is still valid, but will be reviewed as part of each fee review.

3.5 The factors that determine fee levels are: -

- The principal of full cost recovery,
- Fees should be set at a rate to cover the cost of administering that specific licence type.
- Fees should not cross subsidise other licence types.
- The number of licences of the different types.
- Basing operator's annual fees on a cost per driver.
- The cost of administration, including enforcement, associated with the licence types.
- Level of reserves.

#### **4.0 Fee Structure Changes for 2013/14**

##### **4.1 Hackney Carriage Account**

It is proposed that the Hackney carriage licence fees for drivers and vehicles are reduced by 10%

At the start of the 2012/13 financial year the account was £68,269 in deficit. The projections indicate that the hackney carriage account will be in deficit by approximately £5,000 by the end of the 2012/13 financial year. This follows two fee increases in order to reduce a major deficit to the account in 2008.

The account should retain an acceptable level of surplus in order to even out any major changes in expenditure or income from year to year. It is proposed that this balance should be in the region of a £50,000 surplus. This should be achieved by the end of the 2013/14 financial year. Future fee reviews would then ensure that this balance is maintained and large variations in fees would be minimised.

##### **4.2 Private Hire Account**

It is proposed that the private hire licence fees for drivers and vehicles are reduced by 10%

At the start of the 2012/13 financial year the account was £199,811 in surplus. The projections indicate that the account will be in surplus by a similar amount by the end of the 2012/13 financial year.

This surplus has not reduced by the levels originally planned due to the increase in the number of 1 year driver's licences and a steady introduction of new drivers. This surplus should be reduced gradually over the next 2 to 3 years and a 10% reduction will allow for this decline to achieve a projected balance in 2015/16 of £85,000. Future annual fee reviews will allow this projected balance to be monitored and fees adjusted accordingly to avoid large variations.

##### **4.3 Driving Standards Test**

This is to be reduced by £10 due to:

- Low numbers of the more costly weekend tests
- The increase in City Bus test fees being lower than expected

#### **5.0 Future Budget Risks**

Central support recharges are currently allocated to the accounts on historic data. Corporately a more accurate level of central recharges are being developed, which may significantly increase the amount charged to the accounts. Accurate figures were not available for this fee review, but hopefully will be included in future fee reviews.

5.1 The Hackney Carriage and Private Hire licensing system is frequently subject to challenges through the court systems, ombudsman and External Audit functions. Much of the law is

subject to individual interpretation by judges and so officers will continue to monitor challenges to accounting systems in other councils to ensure that we have a defensible accounting system.

- 5.2 The Law Commission are part way through a review of the licensing system, including the issue of fees. Their initial consultations have now closed and draft legislation in the form of a Bill is not expected until November 2013. There are no details available of what any new system may entail or any implementation dates for the Bill to undergo the parliamentary process to be enacted. It is, therefore, important that the accounts are monitored and maintain an acceptable balance to allow for an easier transition to any new fee system.

## **6.0 Conclusion**

- 6.1 Having considered legal advice on the fees structure, the councils existing policies, officers have drawn up the fees structures for 2013/ 2014, shown in the fees table, Appendix I. The proposed fees if adopted will enable the hackney carriage account to come into balance by 31<sup>st</sup> March 2014 and the private hire surplus to be reduced, subject to a number of assumptions and predictions.
- 6.2 The impact of fee increases will be reviewed annually and any necessary alterations will be approved as set out in the Council's scheme of delegation.

## APPENDIX 1

**Proposed Fees for Hackney Carriage and Private Hire Licences 2013/14****Hackney Carriage Fees**

<b>Licence</b>	<b>Proposed Fee</b>	<b>Current Fee</b>
Vehicle Licence	£289.00	£318.75
1 Year Drivers Licence	£147.00	£164.10
3 Year Drivers Licence	£319.00	£354.90
Duplicate Licence	£5.00	£5.00
Vehicle Transfer	£27.00	£27.00
Drivers Test	£73.00	£83.00
Competency Test	£60.00	£60.00
Driver Application Fee	£16.00	£16.00
Replacement ID Card Fee	£10.00	£10.00
Replacement Plate	£11.00	£11.00
DVLA Licence Check	£18.00	£18.00
Transfer from HC to PH/ Admin fee for refunds by cheque	NA	£37.00
Transfer from HC to PH/ Admin fee for refunds by electronic transfer	NA	£20.00
Licence surrender and refund fee	£20.00	NA
Temporary licence for replacement vehicle	£39.00	£39.00
Disclosure and Barring Service Check	£44.00	£44.00

**Private Hire Fees**

<b>Licence</b>	<b>Proposed Fee</b>	<b>Current Fee</b>
Vehicle Licence	£108.00	£120.00
1 Year Drivers Licence	£82.00	£91.60
3 Year Drivers Licence	£166.00	£185.00
Duplicate Licence	£5.00	£5.00
Vehicle Transfer	£27.00	£27.00
Drivers Test	£73.00	£83.00
Competency Test	£60.00	£60.00
Driver Application Fee	£16.00	£16.00
Operator Application Fee	£126.00	£140.00
Operator Fee (per vehicle)	£3.60	£4.00
Replacement ID Card Fee	£10.00	£10.00
Replacement Plate / Door Sticker	£11.00	£11.00
DVLA Licence Check	£18.00	£18.00
Transfer from PH to HC/ Admin Fee for refunds by cheque	NA	£37.00
Transfer from PH to HC/ Admin fee for refunds by electronic transfer	NA	£20.00
Licence surrender and refund fee	£20.00	NA
Temporary licence for replacement vehicle	£39.00	£39.00
Disclosure and Barring Service Check	£44.00	£44.00

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## CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver - Review of Licence Status  
Committee: Taxi Licensing Committee  
Date: 24 January 2013  
Cabinet Member: Councillor Coker  
CMT Member: Anthony Payne, Director for Place  
Author: Mark Small – Taxi Licensing Officer  
Contact: Tel: 01752 307984 e-mail mark.small@plymouth.gov.uk  
Ref: ERS/LIC/MTS/srd  
Key Decision: No  
Part: I

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### **Purpose of the report:**

For Members of the Committee to consider the review of the Private Hire drivers licence held by Mr Stephen Roy Doney, having due regard for the information contained within the report, any representations made by him 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.

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### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

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.

---

### **Equality and Diversity**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

That Members of the Taxi Licensing Committee consider this report.

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**Alternative options considered and rejected:**

None.

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**Published work / information:**

None.

**Background papers:**

None.

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**Sign off:**

Fin		Leg	AZG/16511/ 4.1.13	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? Yes / No													

## Report

1. Stephen Roy Doney is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council prior to 1998. His current licence is due to expire on 7 May 2013. He is also the licence holder and sole driver of a licensed Private Hire vehicle registered number RA05SVT. The licence for this vehicle expires on 21 December 2013.

2. On 16 November 2012, during a joint agency enforcement patrol, the above vehicle, licence number 336, registration number RA05SVT, which was being driven by Mr Doney was found to be un-roadworthy. The vehicle had been observed to drop passengers in Notte Street and was stopped in Bretonside by the Police Officer accompanying the Taxi Enforcement Officer for a routine inspection.

3. During the inspection the following defects were identified.

The front offside tyre had excess wear and was showing cord to both the shoulders of the tyre and a tread depth reading of 1.03mm was recorded on the outermost tread wear indicator point, and 1.15mm on the innermost tread wear indicator point.

The front nearside tyre had excess wear and a tread depth reading of 1.14mm was recorded on the outermost tread wear indicator point, and 1.25mm on the innermost tread wear indicator point.

A minimum legal tread depth of 1.6mm is required across the central  $\frac{3}{4}$  area of the entire circumference of the tyre. Tread wear indicators within the tyre tread depth are set at 1.6mm and indicate the measurable area of the tyre. Tyres that also show cord, wire or suffer from any separation of the rubber components are also unlawful.

Tyre measurements were obtained by using a calibrated digital tyre tread depth measurement device which is equipped to Taxi Enforcement Officers.

The vehicle licence was immediately suspended by virtue of section 26 of the Plymouth City Council Act 1975 by issuing Mr Doney with a notice of suspension. The private hire vehicle licence plate was also removed by virtue of section 16 of the Plymouth City Council Act 1975, and by the serving of a notice on Mr Doney being the vehicle proprietor as required by that Act.

Mr Doney was also issued with a fixed penalty notice by the Police Officer for having a defective tyre which was worn to the cord.

The licence was re-instated on the 19 November 2011 after both tyres had been replaced.

4. It should be noted that the vehicle was found to be defective at 22:35hrs. It was during the hours of darkness and street lighting was on. The road surface was wet as it had been raining during the evening and drizzle was still present.

The Taxi Enforcement Officer asked Mr Doney when he last checked his tyres he responded "I've been meaning to get them done, I've been trying to get the money together". When the officer asked him if he knew they were below the limit, Mr Doney said "Yeah, but I did not have the money. I chanced my arm." When he was told this was not the best thing to do when taking members of the public about, he acknowledged it wasn't the best thing to do.

5. Members are made aware that, as the owner and sole driver of Private Hire vehicle 336, Mr Doney is responsible for its road worthiness. The defective tyres could be plainly seen to anyone who gave the tyres even a casual inspection. Mr Doney has acknowledged that he knew

the tyres were defective by his remarks when asked about when he last inspected them, which raises concerns about Mr Doney's attitude towards the safety of his passengers and to the rules that are attached to vehicles and their maintenance.

6. Members are further made aware that this is not the first occasion that Mr Doney has been found to be using an un-roadworthy Private Hire vehicle. At 18:35hrs on 11 January 2008 he was the licence holder and driver of V820HOD licence number 1227 when it was inspected by a Taxi Enforcement Officer in Albert Rd, Plymouth. On that occasion both front tyres were found to have excessive wear taking the tread depth to below the legal minimum level. The vehicle licence was suspended by virtue of section 26 of the Plymouth City Council Act 1975. The licence was re-instated on the 14 January 2008 when both tyres had been replaced.
7. Members are asked to consider whether Mr Doney 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 vehicle that he drives.
8. It is a condition of the Private Hire Vehicle Licence (condition 16) 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.
9. Mr Doney has previously appeared before Members of the Committee on 30 September 2010 where the status of his Private Hire driver's licence was reviewed following a breach of his conditions of licence and his failure to supply a medical upon request. On that occasion, Members imposed a three day suspension on his Private Hire driver licence.
10. In respect of the Private Hire driver licence, 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 Private Hire vehicle for any other reasonable cause.
11. Members are also asked to consider whether Private Hire vehicle 336 registered number RA05SVT is fit for use as a private hire vehicle and whether any action should be taken against the vehicle licence in light of the above failed inspection. This may include an increase in the vehicle testing frequency.
12. In respect of the Private Hire vehicle licence, 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 Private Hire vehicle is unfit for use as a Private Hire vehicle or for any other reasonable cause.
13. 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:

- I. 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 – 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 7.2 – States that licensed vehicles will be subject to periodic random inspections by authorised officers or its agents to ensure the vehicle is fit for purpose.

Paragraph 7.3 – States that where the Licensing Committee is satisfied that a vehicle fails to meet any specification or condition of licence or the relevant construction and use regulations as required by law, they may suspend, revoke or refuse to renew a vehicle licence for any specified period.

Paragraph 7.4 – States that an authorised officer may suspend the licence of a licensed vehicle where it is found to have a defect which poses a danger to either passengers or other members of the public, until such time as the defect has been remedied.

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 where a breach of 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, 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.

14. Mr. Doney has been invited to attend this Licensing Committee in order that the matters contained within this report may be considered.

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## CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver – Review of Licence Status  
Committee: Taxi Licensing Committee  
Date: 24 January 2013  
Cabinet Member: Councillor Coker  
CMT Member: Anthony Payne, Director for Place  
Author: George Curness – Licensing Officer (Taxis)  
Contact: Tel: 01752 307964 e-mail george.curness@plymouth.gov.uk  
Ref: ERS/LIC/GC/pm  
Key Decision: No  
Part: I

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### **Purpose of the report:**

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

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### **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.

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### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

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.

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### **Equality and Diversity**

Has an Equality Impact Assessment been undertaken - No

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**Recommendations and Reasons for recommended action:**

That Members of the Licensing Committee consider this report.

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**Alternative options considered and reasons for recommended action**

None.

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**Background papers:**

None

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**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)

Fin		Leg	16510/AZG/ 4.1.13	Mo n Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? 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 2015.
2. On 19 December 2012, during a joint enforcement patrol, the vehicle, registration number YE54SNY - licence number 1314, driven by Mr Marasescu was found to be un-roadworthy.

The details of the inspection are as follows,

The rear passenger's side tyre was found to be worn to excess on the outside tread.  
The front driver's side tyre was worn to excess, cord was showing on the inner tread.  
The rear driver's side tyre was worn to the legal limit of 1.6mm.

The vehicle licence was immediately suspended, the work was completed and the suspension was lifted the same day. Photographs of the tyres are reproduced at the end of this report as appendix 1.

The Police Officer at that time reported Mr Marasescu to Court, rather than issue a fixed penalty notice. A copy of his statement is reproduced as appendix 2.

3. Members are made aware that on 27 October 2012, Mr Marasescu's Private Hire driver's licence was reviewed for a similar matter. At this time Members decided to suspend Mr Marasescu's drivers licence for 3 days and warned him as to his future conduct. The decision letter is reproduced as Appendix 3.

On that occasion, Members were told that on 31 July 2012, during an enforcement patrol the passenger side front tyre of vehicle licence number 1314, driven by and licensed to Mr Marasescu was found to be worn to excess so that cord was showing.

In addition, 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 was issued Which was lifted on 23 June 2011.

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 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.

4. It is a condition of the Private Hire Vehicle Licence (condition 16) that all tyres and wheel (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.
5. Members are made aware that, as the owner and sole driver of this vehicle, Mr Marasescu is responsible for its road worthiness. The faults on the tyres could be plainly seen and having

regard to the fact that Mr Marasescu was before the Members of the Licensing Committee, within the last three months, raises concerns regarding Mr Marasescu's attitude towards the safety of his passengers and to the rules that are attached to vehicles and their maintenance.

6. 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.
7. The actions open to Members are those contained in Section 19(1) (b) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle for any other reasonable cause.
8. Members are also asked to consider whether Mr Marasescu's vehicle is fit for use as a Private Hire vehicle and whether any action should be taken against Mr Marasescu's vehicle licence in light of the above failed inspections. Members may require Mr Marasescu to present his vehicle for test up to four times per year or decide to impose other sanctions.
9. 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.
10. 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 7.2 – states that licensed vehicles will be subject to periodic random inspections by authorised officers or its agents to ensure the vehicle is fit for purpose.

Paragraph 7.3 – States that where the Licensing Committee is satisfied that a vehicle fails to meet any specification or condition of license or the relevant construction and use regulations required by law, they may suspend, revoke or refuse to renew a vehicle's license for any specified period.

Paragraph 7.4 – States that an authorised officer may suspend the licence of a licensed vehicle where it is found to have a defect which poses a danger to either passengers or other members of the public, until such time as the defect has been remedied.

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 where 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, 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 before them to complete further training or retraining, should the drivers' suitability to retain a licence be called into question.

11. Members are made aware that Mr Marasescu has completed the BTEC in Transporting Passengers by Taxi and Private Hire.
12. Mr. Marasescu has been invited to attend this Licensing Committee in order that this matter may be considered.





Statement of: **IAN MICHAEL BAGGOTT**

Age if under 18 (if over insert "over 18"): **Over 18**

Occupation: **Police Constable 3286**

This statement (consisting of .....2..... Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: .....

Date: **20/12/2012**

I am a Police Constable in the Devon and Cornwall Constabulary currently stationed at Plympton Police Station as a Road Casualty Reduction Officer.

At 1025 hours on Wednesday 19<sup>th</sup> December 2012 I was on duty in uniform in an unmarked Police patrol vehicle accompanied by a Plymouth City Council taxi and private hire vehicle enforcement officer. At that time I saw a silver Vauxhall Vectra private hire vehicle registered number YE54SNY being driven on North Road East, Plymouth approaching the First Great Western railway station. The vehicle pulled up outside the main entrance and a male passenger got out. I approached the driver of the vehicle and ascertained that he had just dropped off a paying fare.

Upon examination of the vehicle I discovered that the tread on two of the tyres were below the legal limit of 1.6mm and one of those tyres also had cord exposed. I requested the driver to pull over into the British Transport Police car park where I could deal with him.

Upon further examination I discovered that the front offside was a Bridgestone 205 55 R16 radial. There was cord exposed on the inner edge of the tyre. The tread on the centre  $\frac{3}{4}$  of the tyre was also under the 1.6mm legal limit, down to 1.03mm in places.

The rear nearside tyre was a Michelin 215 55 R16 radial. The tread over the centre  $\frac{3}{4}$  of this tyre was less than the legal limit of 1.6mm, ranging between 0.9mm to 1.4mm.

The driver identified himself to me as Petrisor MARASESCU b. [REDACTED]

[REDACTED] He produced to me his driving licence number [REDACTED]

I cautioned MARASESCU and pointed out the offences with the tyres.

MARASESCU replied "NO REASON"

I said to MARASESCU "You stand reported for driving your vehicle on a road today and failing to maintain the front offside tyre and the rear nearside tyre. Do you understand"

MARASESCU replied "YES"

Photographs were taken of the tyres and the vehicle which I exhibit as IMB/1.

At the time of the offences it was raining heavily and the road surface was wet. There was also standing water on the roads.

**Mr P Marasescu**

**Environmental Services**  
Public Protection Services  
Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA  
T: 01752 304744  
F: 01752 226314  
E: [taxi.licensing@plymouth.gov.uk](mailto:taxi.licensing@plymouth.gov.uk)  
[www.plymouth.gov.uk](http://www.plymouth.gov.uk)

Please ask for: Steve Forshaw

Date: 26/10/12

My Ref: sf/comm/Sus

Your Ref:

Dear Mr Marasescu,

### **Decision of the Taxi Licensing Committee**

I am writing in connection with the review of the status of your Private Hire driver licence which was considered on 25<sup>th</sup> October 2012 by members of the Taxi Licensing Committee.

#### **The decision of the Committee is therefore that :-**

Your failure to maintain your vehicle correctly has led to your vehicle being found to be defective and in some instances dangerous on four occasions.

In respect of your vehicle licence and in accordance with S18 PCCA 1975, Members have decided it is a proportionate decision to suspend your vehicle licence number 1314 for 2 days.

In respect of your PHDL, Members have serious concerns regarding the apparent disregard for public safety displayed by yourself and therefore consider it proportionate to suspend your private hire drivers licence for a period of 3 days subject to s19(1) (b) Plymouth City Council Act 1975.

You have the right of appeal to the Magistrates Court against the decision of the Council by virtue of Section 19(3) of the Plymouth City Council Act 1975. Your appeal should be lodged at the Magistrates Court within 21 days and must therefore be made by **17<sup>th</sup> November 2012**.

Should you decide to appeal, you should take this letter with you to request an appeal hearing. The Magistrates Court may require a fee, which you will be required to pay before they accept any appeal against the Council's decision.

Should you not appeal within the 21 day period, then you shall be required on the 22nd day after the decision to suspend your licence, return your Private Hire drivers badge and licence to the licensing office which will be returned to you at the end of your suspension period. If you do not wish to appeal this decision and wish to commence your suspension earlier than the date above, please contact me to discuss this. During your suspension you will not be permitted to drive any Private Hire vehicle licensed by this Council.

Should you wish to contact me to discuss this matter, I can be contacted on the number above.

Yours Faithfully

Licensing Officer (Taxi)  
Public Protection Service

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