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20 February 2013

## **TAXI LICENSING COMMITTEE**

Thursday 28 February 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 - 6)**

To confirm the minutes of the meeting held on 24 January 2013.

#### **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 - P SICH**

**(Pages 7 - 12)**

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

#### **7. LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - J S HIGGS**

**(Pages 13 - 18)**

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

#### **8. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - C SZIKSZAI**

**(Pages 19 - 24)**

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

## **9. EXEMPT INFORMATION**

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

#### **10. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 25 - 26)**

To confirm the minutes of the meeting held on 24 January 2013.

#### **11. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - AKC (E3 AND E7) (Pages 27 - 32)**

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

#### **LUNCH 1PM- 2PM**

#### **12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - HRK (E3 AND E7) (Pages 33 - 40)**

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 HACKNEY CARRIAGE DRIVER'S LICENCE - EKB (E3 AND E7) (Pages 41 - 46)**

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

#### **14. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - ZMG (E3 AND E7) (Pages 47 - 52)**

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

**15. APPLICATION FOR THE GRANT OF PRIVATE HIRE DRIVER'S LICENCE - KJ (E3 AND E7) (Pages 53 - 58)**

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 24 January 2013

### PRESENT:

Councillor Bowie, Vice Chair in the Chair.

Councillor Mrs Nicholson, Vice Chair (am) and Councillor Mrs Foster, Vice Chair (pm).

Councillors Casey (Substitute for Councillor Haydon), Rennie, Ricketts and Singh.

Apology for absence: Councillor Haydon.

Also in attendance: George Curness (Licensing Officer), Andrea Gilbert (Legal Officer), Ann Gillbanks (Legal Officer), Andy Netherton (Safety, Health and Wellbeing Manager), Mark Small (Licensing Officer) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.10 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.*

#### 95. **APPOINTMENT OF THE VICE CHAIR**

The committee agreed to appoint Councillor Mrs Nicholson as Vice Chair for this particular meeting.

#### 96. **DECLARATIONS OF INTEREST**

In accordance with the code of conduct Councillor Rennie declared a personal and prejudicial interest in minute 107.

#### 97. **MINUTES**

Agreed that the minutes of the meeting held on 20 December 2012 are confirmed as a correct record.

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

There were no items of Chair's urgent business.

#### 99. **APPEAL CASES**

The committee was advised that there had been one appeal which had been upheld by the Magistrates Court.

100. **CORNWALL STREET RANK REVIEW**

The Director for Place submitted a report on the Cornwall Street rank review which highlighted the following main areas –

- historical and legal background;
- current rank provision;
- current access and parking restrictions;
- current rank review;
- rear courtyard;
- future actions.

The committee raised concerns that –

- (a) private hire vehicles were allowed to access the area but not hackney carriage vehicles;
- (b) by not reinstating the rank in Cornwall Street, this would lead to discrimination against disabled people as they would not be able to access the top of town;
- (c) there would be a public safety issue should the rank be reinstated, as this area was used by pedestrians.

The committee agreed that the report and the committee's concerns are submitted to the Portfolio Holder for consideration and that the Portfolio Holder consults with the trade regarding this matter.

(Please note: that during this agenda item there was a short adjournment for a fire alarm).

101. **HACKNEY CARRIAGE AND PRIVATE HIRE FEES**

The Director for Place submitted a report on the Hackney Carriage and Private Hire Fees, which included the following main areas –

- the legal framework;
- the process to vary fees;
- allocation of expenses and income;
- fee structure changes for 2013/14;
- future budget risk;

The committee agreed that the new fee structure, as set out in appendix I of the report, will be advertised in accordance with statutory requirements and a period of 21 days will be given for objections.

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

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from Mr Doney;
- (c) heard a report which detailed the faults found on Mr Doney's vehicle on two occasions;
- (d) took the following into account that -
  - the Vehicle Suspension Notices imposed previously had already led to a loss of income;
  - Mr Doney had provided mitigating circumstances and expressed deep remorse for his actions and had taken positive steps to prevent any reoccurrences;
- (e) was concerned that –
  - a suspension notice was issued to Mr Doney on 16 November 2012 when officers found that two of his tyres had excess wear and had very low tread depth;
  - Mr Doney's comments to officers on that date indicated that he was aware of the defective condition of the tyres but continued to driver and transport passengers regardless nonetheless;
  - on 11 January 2008, both front tyres of Mr Doney's car were found to have excessive wear taking the tread depth to below the legal minimum level;
  - in September 2010, Mr Doney was brought before the committee for a review of his licence when he failed to supply a medical upon request. Members imposed a three day suspension on his private hire driver's licence on that occasion.

Mr Doney's failure to maintain his vehicle correctly had led to his vehicle being found to be defective. In respect of his vehicle licence 336 and in accordance with Section 18 of the Plymouth City Council Act 1975, the committee agreed that it is a proportionate decision to require Mr Doney to present his vehicle for testing every three months for the next 12 months. Mr Doney must present his vehicle to the Licensing department by the end of April 2013, July 2013, October 2013 and January 2014 or face being brought before the committee for further sanctions including the possible revocation of the vehicle licence.

In respect of Mr Doney's private hire driver's licence, the committee has serious concerns regarding the apparent disregard for public safety displayed by him, the committee agreed that it is a proportionate decision to suspend his private hire driver licence for a period of three days subject to S19(1) (b) of the Plymouth City Council Act, 1975.

The committee agreed that Mr Doney should complete the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire, or equivalent within the next 12 months. If he had not completed this qualification by 23 January 2014, he may be brought back before the committee to face further sanctions.

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

The committee –

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

Mr Marasescu's case, in respect of his latest vehicle offences, was shortly due to be heard at Court. The committee agreed to wait until the result of that case, so that they could make a fully informed decision in respect of Mr Marasescu's vehicle and private hire driver's licence.

(Councillors Mrs Nicholson and Ricketts were not present for the remaining items on the agenda).

104. **APPOINTMENT OF VICE CHAIR**

The committee agreed that Councillor Mrs Foster is appointed as Vice Chair for this particular meeting.

105. **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.

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

Agreed that the minutes of the meeting held on 20 December 2012 are confirmed as a correct record.



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

The committee –

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

The committee agreed to grant SD'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 equivalent within the first 12 months of the grant of this licence.

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

The committee –

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

Having taken the above into account the committee agreed to refuse the grant of DCS'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 to this minute).*

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

The committee –

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

The committee agreed to grant JB'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 equivalent within the first 12 months of the grant of this licence.

(Councillor Rennie declared a personal and prejudicial interest in this matter and left the room).

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Subject: Licensed Private Hire Driver – Review of Licence Status  
Committee: Taxi Licensing Committee  
Date: 28 February 2013  
Cabinet Member: Councillor Coker  
CMT Member: Anthony Payne (Director for Place)  
Author: George Curness – Licensing Officer (Taxis)  
Contact details: Tel: 01752 307964  
e-mail: george.curness@plymouth.gov.uk  
Ref: ERS/LIC/GC/ps  
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 Petr Sich, having due regard for the information contained within the report, any representations made by Mr Sich 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.

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**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, 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:**

Members of the Licensing Committee consider this report.

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**Alternative options considered and rejected**

None.

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**Published Work/Information**

None.

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**Background papers:**

None.

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**Sign off:**

Fin		Leg	SD/24.1.13/1 6682	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? No													

## Report

1. Mr. Petr Sich is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council on the 23 February 2007. At the time of writing this report his current licence is due to expire on 22 February 2013.
2. On 26 November 2012, a letter was received from Mr Sich informing the Licensing Office of a conviction in a Magistrates' Court. The details of the offence taken from the DVLA licence are,

### **On 30 October 2012 at Newton Abbott Magistrates' Court,**

Mr Sich was convicted of Exceeding the Statutory Speed Limit on a Public Road on **11 April 2012**.

Mr Sich was sentenced to a fine of £300 and his DVLA counterpart was endorsed with 3 penalty points. Mr Sich would have had to pay a victim surcharge of £15.

Mr Sich currently has 6 penalty points on his UK DVLA counterpart.

3. On the 31 March 2011, Members considered two convictions received by Mr Sich on the 10 November 2010 which related to using a mobile telephone on 30 August 2010, for which he was fined £50 and had his UK counterpart licence endorsed with 3 penalty points and using a vehicle with a defective tyre on 30 August 2010 for which he was fined £100. On this occasion the committee decided to issue Mr Sich with a warning. Mr Sich was warned that this may be taken into account at any future hearing
4. 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. Mr Sich has stated in a letter to this office that he could not comply with this condition because he was out of the country when the notification letter was sent to his home address. A copy of that letter is reproduced as Appendix A.
5. Members are asked to consider whether Mr Sich is a 'fit and proper' person in light of the above conviction and possible breach of licence condition, and determine what, if any sanction, should 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 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 see below)
- Previous history as a licence holder

**Paragraph 18.2** requires that in considering whether a person is no longer a ‘fit and proper’ person 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, for example, no longer a ‘fit and proper’ person 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 Licensing Committee (Hackney Carriage).

**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. Members are made aware that Mr Sich has not completed the qualification in Transporting Passengers by Taxi and Private Hire.
9. Mr. Sich has been invited to attend this Licensing Committee in order that this matter may be considered.

**Public Protection Service  
Licensing Section  
Floor 6 Civic Centre  
Plymouth  
PL1 2AA**

**Licence number: 2268  
Date: 21.11.12**

**Sirs,**

**I would like to inform you about change in my Counterpart Driving Licence  
(copy attached)**

**The change is dated 30.10.12 but the Counterpart with my driving licence  
was delivered to my address between 5th and 14th November when I was  
in the Czech Republic. Itinerary included**

**That's why I could not let you know within 7 days of receiving**

**Many thanks for unedrstanding  
Kindness regards**

**Petr Sich**



Subject: Licensed Hackney Carriage Driver – Review of Licence Status  
Committee: Taxi Licensing Committee  
Date: 28 February 2013  
Cabinet Member: Councillor Coker  
CMT Member: Anthony Payne (Director for Place)  
Author: George Curness – Licensing Officer (Taxis)  
Contact details: Tel. 01752 307964  
e-mail george.curness@plymouth.gov.uk  
Ref: ERS/LIC/GC/jsh  
Key Decision: No  
Part: I

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**Purpose of the report:**

For Members of the Committee to consider the review of the Hackney Carriage drivers licence held by Mr James Scougal Higgs, having due regard for the information contained within the report, any representations made by Mr Higgs 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.

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**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, 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:**

Members of the Licensing Committee consider this report.

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**Alternative options considered and rejected**

None.

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**Published Work/Information**

None.

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**Background papers:**

None.

**Sign off:**

Fin		Leg	SD/12.2.13/1 6804	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? No													

## Report

1. Mr James Scougal Higgs is a Hackney Carriage driver, first licensed by this Council as a Private Hire driver prior to December 2000. He transferred to Hackney Carriage on 19 December 2003, and has periodically renewed this licence until the present. His current licence is due to expire on 21 December 2013.
2. On 20 December 2012, during the renewal process of his Hackney Carriage driver's licence it was noted that he had received a motoring conviction. The details of the offence taken from the DVLA licence are,

### **On 16 October 2012 at Newton Abbott Magistrates' Court,**

Mr Higgs was convicted of Exceeding the Statutory Speed Limit on a Public Road on **15 April 2012**.

Mr Higgs was sentenced to a fine of £200 and his DVLA counterpart was endorsed with 3 penalty points. Mr Higgs would have had to pay a victim surcharge of £15.

Mr Higgs currently has 3 penalty points on his DVLA licence.

3. At the time of the conviction on 16 October 2012, Mr Higgs was licensed as a Hackney Carriage driver and as such, is governed by the Plymouth City Council Hackney Carriage Bye Laws for such drivers, which were made by virtue of Section 68 Town Police Clauses Act 1847.

Bye Law 11 states that

***If a Hackney Carriage driver is convicted in a Court of Law of any Motoring Offence, the driver shall notify the Council IN WRITING within 7 days of the conviction.***

The Hackney Carriage Bye-Laws became effective on 14 July 2009 and were posted to all Hackney Carriage drivers, to remind them of their duties.

Mr Higgs has breached this Bye-Law as he has failed to notify the Council as required.

4. Members are asked to consider whether Mr Higgs is a 'fit and proper' person in light of the above conviction and possible breach of bye-law, and determine what, if any sanction, should be applied to his Hackney Carriage driver licence.
5. The actions open to Members are those contained in Section 19(1) (b) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle for any other reasonable cause.
6. 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 see below)
- Previous history as a licence holder

## **Chapter 4 – Enforcement Policy**

**Paragraph 8.1** - Allows the Council to revoke any licence where it is satisfied that the licence holder is, for example, no longer a ‘fit and proper’ person 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 Licensing Committee (Hackney Carriage)

**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.

7. Members are made aware that Mr Higgs has not completed the qualification in Transporting Passengers by Taxi and Private Hire.
8. Mr. Higgs has been invited to attend this Licensing Committee in order that this matter may be considered.

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**PLYMOUTH CITY COUNCIL**

Subject: Licensed Private Hire Driver – Review of Licence Status  
Committee: Taxi Licensing Committee  
Date: 28 February 2013  
Cabinet Member: Councillor Coker  
CMT Member: Anthony Payne (Director for Place)  
Author: George Curness – Licensing Officer (Taxis)  
Contact details: Tel: 01752307964  
e-mail: george.curness@plymouth.gov.uk  
Ref: ERS/LIC/GC/cs  
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 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.

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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.

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**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, 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:**

Members of the Licensing Committee consider this report.

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**Alternative options considered and rejected**

None.

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**Published Work/Information**

None.

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**Background papers:**

None.

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**Sign off:**

Head of Fin		Head of Leg	<b>AG/15957/12.11.12</b> SD/12.1.13/16684	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? 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 Road Safety and Casualty reduction officer of Devon and Cornwall Police was called and dealt with Mr Szikszai separately in respect of the worn tyres. 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.

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. It is a condition of the Private Hire Vehicle Conditions 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. Members are made aware that as Mr Szikszai was first licensed in March 2012, this is his first probationary year.

10. 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.
11. 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.
12. Members are also asked to consider whether Mr Szikszai’s vehicle is fit for use as a Private Hire vehicle and whether any action should be taken against Mr Szikszai’s vehicle licence in light of the above failed inspections.
13. 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.
14. 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 – 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

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 licence condition 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 10.1 – 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.

15. 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.
16. On 17 January 2013 the Operator’s copy of Mr Szikszai was received from his operator, an e-mail was requested from them which states that Mr Szikszai no longer was working for them and that they assumed he had left the country.
17. Mr Szikszai has been invited to attend this Licensing Committee in order that this matter may be considered.

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