

Taxi Licensing Committee

Thursday 18 April 2013

PRESENT:

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

Apologies for absence: Councillors Bowie and Ricketts.

Also in attendance: George Curness (Licensing Officer), Sharon Day (Legal Representative), Steve Foreshaw (Licensing Officer) and Helen Wright (Democratic Support Officer).

The meeting started at 10.00 am and finished at 4.00 pm.

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

138. **DECLARATIONS OF INTEREST**

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

139. **APPOINTMENT OF VICE CHAIR**

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

140. **MINUTES**

Agreed that the minutes of the meeting on 28 March 2013 are confirmed as a correct record subject to the amendment April 2014 (minute 131 refers).

141. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

142. **APPEAL CASES**

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

143. **LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - D S GILBERY**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from the licensing officer that Mr Gilbery was not attending as he had left the trade, however his private hire driver's licence was still valid.

The committee agreed that having taken the above into consideration they would not deal with the matters contained in the report today; if Mr Gilbery decided to return to the trade before his current licence expired then the report would be resubmitted to members for consideration at the earliest opportunity. However, if Mr Gilbery decided to return to the trade after the expiry of his current licence then the application for the grant of a licence would be decided upon by the Taxi Licensing Committee and the information contained in the report would be brought to members' attention at that time.

144. **LICENSED HACKNEY CARRIAGE DRIVER - REVIEW OF LICENCE STATUS - N L JORDAN**

The committee -

- (a) considered the report from the Director for Place;
- (b) heard from Ms Jordan -
 - she provided an explanation of how the 12 penalty points had been accumulated;
 - the reasons as to why the notification of the conviction had been late and this had been due to serious family issues;
 - that she had not driven a taxi since January 2013 but that she wanted to return to the trade within the next month;
 - she would ensure that she checked her vehicle before using it;
 - that she was fully aware that if she speeds or gets any more penalty points she would lose her licence;
 - she explained the reasons why the magistrates court had granted her exceptional hardship;
- (c) took the following into consideration -
 - Ms Jordan had been a licensed driver since August 2009;
 - Ms Jordan had been convicted of a speeding offence on 9 November 2012 for which she was fined £60 and had her licence endorsed with three penalty points;
 - Ms Jordan now had 12 penalty points on her licence but had

not been disqualified from driving as the magistrates had found to do so would cause exceptional hardship;

- motoring offences were relevant offences when considering the suitability of a person to hold or retain a licence;
- in October 2011, Ms Jordan had her vehicle licence suspended following being found to have defective tyres;
- Ms Jordan had been issued with a warning letter in August 2011 for failing to comply with Byelaw 11 of the Plymouth City Council Hackney Carriage Byelaws 2009;
- whilst Ms Jordan had reported the most recent offence, she had failed to do so within the seven days as required by Byelaw 11 and that she had apologised for this in her letter;
- that this was the first occasion that Ms Jordan had appeared before committee;
- all that Ms Jordan said.

Members were concerned that –

- Ms Jordan had 12 penalty points on her licence and that this raised concerns for public safety;
- Ms Jordan had previously been warned about failing to report in accordance with the byelaws but the committee took into account the fact that the conviction had been reported and the reasons for the lateness of the notification.

The committee agreed that having taken all of the above into account, Ms Jordan's Hackney Carriage Driver's licence will be suspended for three days in relation to her lateness in reporting the offence, in accordance with the Hackney Carriage Byelaws and also in relation to the speeding offence; Ms Jordan will also be issued with a warning in relation to her future conduct to her driving standards and the condition of her vehicle; this warning will remain on file and will be brought to committee's attention in the future should Ms Jordan appear before it again.

145. **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 that –

- he was sorry for what had happened and said that it was inexcusable;
- he had checked the tyres on the date he had been stopped and knew they were illegal but that he could not afford to put them right due to family circumstances;
- he would check his tyres and vehicle daily from now on;

(c) took the following into account –

- Mr Marasescu had been a licensed private hire driver since September 2009;
- in December 2012 the vehicle owned and driven by Mr Marasescu was found to be unroadworthy due to having two tyres worn to excess one of which showing the cord; another tyre was worn down to the legal limit; as a result the vehicle licence was immediately suspended;
- Mr Marasescu had been prosecuted by the Police in respect of the worn tyres and had been fined £265 and had his driving licence endorsed with three penalty points;
- Mr Marasescu had his private hire driver's licence suspended for three days by the committee in October 2012 in respect of various vehicle defects and had been warned as to his future conduct;
- Mr Marasescu had breached the conditions of his private hire vehicle licence as he tyres had failed to comply with the legal requirements;
- Mr Marasescu has completed Btech in Transporting Passengers by Taxi and Private Hire;
- an inspection of his vehicle in April 2011 found not faults;
- motoring offences were relevant when considering the suitability of a person to hold or retain a licence;
- all that Mr Marasescu said;

Members were concerned that –

- Mr Marasescu had been found with illegal tyres only 53 days after he had appeared before the committee and had his licence suspended for failing to maintain his vehicle;

- Mr Marasescu had given assurances to the committee previously that he would check his vehicle regularly;
- Mr Marasescu had checked the vehicle on the day he had been stopped and knew that his tyres were in a dangerous condition and yet had driven in appalling weather conditions with fare paying passengers.

The committee agreed that having taken all of the above into account it is proportionate to revoke Mr Marasescu's private hire driver's licence in accordance with section 19(1)(b) of the Plymouth City Council Act 1975, as he is no longer considered to be a fit and proper person to hold a licence due to his complete disregard for public safety as a result of his failure to maintain his vehicle; in addition and in light of Mr Marasescu's repeated failure to maintain his vehicle, members could not be confident that the vehicle was safe for use as a licensed vehicle and therefore it is considered proportionate to revoke the private hire vehicle licence number 1314 in accordance with section 18(1)(b) of the Plymouth City Council Act 1975; failure to maintain a licensed vehicle is a relevant consideration under the council's licensing objectives in relation to vehicle safety, comfort and access and to the safety and health of driver's and the public.

146. **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.

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

The committee –

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

The committee agreed that having taken all of the information into account MAS's Hackney Carriage driver's licence will be suspended for three days under section 19(1)(b) of the Plymouth City Council Act 1975.

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

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

The committee –

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

The committee agreed to grant MJD's application for a Hackney Carriage driver's licence subject to MJD satisfactorily completing all the pre requisites for the grant of a licence and subject to him completing the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire or equivalent within the first 12 months of any licence issued to him.

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

The committee –

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

The committee agreed to grant GCT's application for a private hire driver's licence subject to GCT completing all the pre requisites for the grant of a licence and subject to him satisfactorily completing the VRQ driver qualification in Transporting Passengers by Taxi and Private Hire or equivalent with the first 12 months of any licence issued to him.