



**Tracey Lee**  
Chief Executive

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

Please ask for Ross Johnston,  
Democratic Support  
T 01752 307990  
E [ross.johnston@plymouth.gov.uk](mailto:ross.johnston@plymouth.gov.uk)  
[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)  
20 May 2013

## **TAXI LICENSING COMMITTEE**

Thursday 30 May 2013  
10am  
Council House, Plymouth (Next to the Civic Centre)

**Members:**

Councillor Haydon, Chair  
Councillor Bowie, Vice Chair  
Councillors Mrs Bowyer, Mrs Foster, Mrs Nicholson, Rennie 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. TO NOTE THE APPOINTMENT OF CHAIR AND VICE-CHAIR**

The Committee will note that Councillor Haydon was appointed as Chair and Councillor Bowie was appointed as Vice-Chair at the Council's Annual General Meeting on 17 May 2013.

#### **2. APOLOGIES**

To receive apologies for non-attendance submitted by Committee Members.

#### **3. DECLARATIONS OF INTEREST**

Members will be asked to make any declarations of interest in respect of items on this agenda.

#### **4. MINUTES (Pages 1 - 6)**

To confirm the minutes of the meeting held on 18 April 2013.

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

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

#### **6. APPEAL CASES**

The Committee will be provided with the results of the judgement on appeal cases that went to Court.

#### **7. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - J P STEVENS (Pages 7 - 12)**

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

#### **8. LICENSED PRIVATE HIRE DRIVER - REVIEW OF LICENCE STATUS - A M STEVENS (Pages 13 - 16)**

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

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

### **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 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.

#### **10. CONFIDENTIAL MINUTES (E3 AND E7) (Pages 17 - 18)**

To confirm the confidential minutes of the meeting held on 18 April 2013.

#### **11. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - DB (E3 AND E7) (Pages 19 - 24)**

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

#### **12. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - PAK (E3 AND E7) (Pages 25 - 30)**

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 - TJB (E3 AND E7) (Pages 31 - 38)**

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 - MJW (E3 AND E7) (Pages 39 - 48)**

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 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 no 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.

## PLYMOUTH CITY COUNCIL

Subject: Licensed Private Hire Driver – Review of Licence Status  
Committee: Taxi Licensing Committee  
Date: 30 May 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/js  
Key Decision: No  
Part: I

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**Purpose of the report:**

For Members of the Committee to consider the review of the Restricted Private Hire drivers licence and Operator's licence held by Mr Jeremy Patrick Stevens, having due regard for the information contained within the report, any representations made by Mr Stevens 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:**

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

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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	17479/AZG/15 .05.13	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 Jeremy Patrick Stevens is a licensed Restricted Private Hire vehicle driver, having been first granted a licence by this Council on the 1 September 2009. At the time of writing this report his current licence is due to expire on 31 August 2013. He is the licensed Operator of private hire vehicles, trading as Pilgrim Pickups, solely for air and seaport transfers. This licence was granted on 12 February 2009 and has been renewed annually. The current operator's licence is due to expire on 12 February 2014.
2. During 2012, following information received, an investigation was made into allegations that Mr Stevens had used unlicensed vehicles and drivers to carry out airport transfers. The Council, after due consideration, prosecuted Mr Stevens for those offences, the details of the convictions are that :

### **On 3 May 2013 at Southwest Devon Magistrates' Court;**

Mr Stevens pleaded guilty and was convicted of offences contrary to the Road Traffic Act 1988 S.143 and Plymouth City Council Act 1975 S.3, namely :-

Using a vehicle as a private hire vehicle knowing that the vehicle did not have a private hire vehicle licence in place, contrary to s3 (1) (a) Plymouth City Council Act 1975.

Permitting a vehicle to be used as a private hire vehicle knowing that the vehicle did not have a private hire vehicle licence in place, contrary to s3 (1) (a) Plymouth City Council Act 1975.

Operating a vehicle as a private hire vehicle, knowing that the driver of that vehicle was not licenced as a private hire driver, contrary to s3 (1) (e) (ii) Plymouth City Council Act 1975.

Operating a vehicle as a private hire vehicle, knowing that no private hire vehicle was in place for that vehicle, contrary to s3 (1) (e) (i) Plymouth City Council Act 1975.

Operating a further vehicle as a private hire vehicle, knowing that no private hire vehicle licence was in place for that vehicle, contrary to s3 (1) (e) (i) Plymouth City Council Act 1975.

Using a vehicle on a road (or other public place) which did not have a policy of insurance or such a security in respect of third party risks in force in relation to the use of the vehicle, in that the policy of insurance did not cover the use of the vehicle for hire and reward contrary to s143(1) (a) and (2) of the Road Traffic Act 1988.

3 x counts of causing or permitting others to use a vehicle on a road (or other public place) in Plymouth when there was no policy of insurance or such orhter security in respect of third party risks, in place in relation to the use of that vehicle in that the policy of insurance did not cover the use of the vehicle for hire and reward, contrary to s143(1) (b) and (2) of the Road Traffic Act 1988.

Mr Stevens was sentenced to a total fine of £1100 due to the amount of journeys completed and his DVLA licence was endorsed with 30 penalty points Mr Stevens was ordered to pay £1300 costs and a victim surcharge of £15. Magistrates' stated that they did not find exceptional hardship and decided to impose a driving disqualification for 6 months under the "totting" rules.

3. During the course of the investigation, officers spoke to customers of "Pilgrim Pickups" and all agreed that the service provided by Mr Stevens business was of a very good quality and that the

drivers were very helpful and efficient.

4. Members are asked to consider whether Mr Stevens is a 'fit and proper' person in light of the above, and determine what, if any sanction, should be applied to his Restricted Private Hire driver's licence and operator's 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.

Section 20 (1) of the Plymouth City Council Act 1975 which empowers the Council to suspend, revoke or refuse to renew the licence of an operator's licence, for any offence under the provisions of this Act, or 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

**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 Taxi 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. Mr Stevens 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: 30 May 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/ajs  
Key Decision: No  
Part: I

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**Purpose of the report:**

For Members of the Committee to consider the review of the Restricted Private Hire drivers licence held by Mrs Amanda Maureen Stevens, having due regard for the information contained within the report, any representations made by Mrs Stevens 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:**

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

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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	17481/AZG/15 .05.13	Mon Off		HR		Assets		IT		Strat Proc	
Originating SMT Member													
Has the Cabinet Member(s) agreed the contents of the report? No													

## Report

1. Mrs Amanda Maureen Stevens is a licensed Restricted Private Hire vehicle driver, having been first granted a Restricted Private Hire driver's licence by this Council on the 1 September 2009. At the time of writing this report her current licence is due to expire on 31 August 2013.
2. During 2012 an investigation into the activities of an Operator of private hire vehicles led officers to believe that Mrs Stevens had driven a vehicle without a correct motor insurance policy. After further investigation, the Council decided to prosecute Mrs Stevens for that offence, the details of the conviction are as follows :-

### **On 3 May 2013 at South and West Devon Magistrates' Court,**

Using a motor vehicle on a road (or other public place) in Plymouth which did not have a policy of insurance or such a security in respect of third party risks in force in relation to the use of the vehicle, in that the policy of insurance did not cover the use of the vehicle for hire and reward contrary to s143(1) (a) of the Road Traffic Act 1988.

Mrs Stevens pleaded guilty and was sentenced to a fine of £200 and her DVLA licence was endorsed with 8 penalty points due to the amount of journeys completed. Mrs Stevens was ordered to pay £100 costs and a victim surcharge of £15.

3. Members are asked to consider whether Mrs Stevens is a 'fit and proper' person in light of the above, and determine what, if any sanction, should be applied to her Restricted Private Hire driver's licence.
4. 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.
5. 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.

6. Mrs Stevens has been invited to attend this Licensing Committee in order that this matter may be considered.

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