

## CITY OF PLYMOUTH

**Subject:** Licensed Driver – Review of Diver Licence Status  
**Committee** Licensing Committee (Hackney Carriage)  
**Date:** 3 December 2009  
**Cabinet Member:** Councillor Brookshaw  
**CMT Member:** Director for Community Services  
**Author:** Mark Small – Senior Taxi Licensing Officer  
**Contact:** Tel: 01753 307984  
e-mail: mark.small@plymouth.gov.uk  
**Ref:** ERS/LIC/MTS/jlw  
**Part:** I

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### **Executive Summary:**

Mr Jonathon Luke Warner is a licensed Hackney Carriage driver, having been first granted a Hackney Carriage driver's licence by the Council on the 15 November 2007. This was subsequently renewed on the 13 November 2008 and again on 13 November 2009.

It was observed that at his latest renewal of licence, his DVLA driving licence had been endorsed with the matters referred to in the body of the report.

Mr Warner has been invited to attend this Licensing Committee in order that this matter may be considered.

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### **Corporate Plan 2009-2012:**

This report links to the delivery of the corporate priorities defined in the Corporate Improvement Plan. In particular:

Improving Accessibility (Transport)

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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: eg. Section 17 of the Crime Disorder Act 1998 - Community Safety, Health and Safety, Risk Management , Equalities Impact Assessment, etc.**

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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**Recommendations and Reasons for recommended action:**

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:**

(Insert)

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**Sign off:**

Head of Fin		Head of Leg		Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating SMT Member											

## Report

1. Mr Warner is a licensed Hackney Carriage driver, having been first granted a licence to drive Hackney Carriages on the 15 November 2007. This was subsequently renewed on the 13 November 2008, and again on the 13 November 2009.
2. At the last renewal of licence, it was noticed that his DVLA driving licence had been endorsed by means of fixed penalty notices on three occasions since the renewal of licence in November 2008. The endorsements are provided below.

On the 04 December 2008, licence endorsed with three penalty points for Failing to Comply with Traffic Light signal.

On the 01 February 2009, licence endorsed with three penalty points for Failing to Comply with Traffic Light signal.

On the 05 February 2009, licence endorsed with three penalty points for Failing to Comply with Traffic Light signal.

The above offences appear to indicate that Mr Warner either has a lack of awareness of, or is demonstrating a complete disregard for the rules and regulations relating to the use of motor vehicles on the public highway. In either respect, the history of traffic signal offences does cause officers concern, particularly as they have all been accrued since being granted a licence by the Council, and in a very short period of time.

3. Mr Warner was sent a warning letter on 09 September 2009 by the Licensing Section in relation to a complaint received from a member of the public. The complaint was prompted by what the complainant described as “*aggressive, irresponsible and dangerous driving*”. Officers introduce this complaint as it also relates to the standard of driving of Mr Warner. The complaint, together with the letter of warning is annexed to this report as Annex A.
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, since the grant of a licence –  
  
for :- “***any other reasonable cause***”.
5. In deciding whether Mr Warner is fit and proper Members must have regard to the Council’s Hackney Carriage and Private Hire licensing policy. The relevant parts of which are detailed below:

### **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
- Criminal record (as to relevance of offences see below)
- Previous history as a licence holder

**Paragraph 18.2** requires that in considering whether a person is “fit and proper” each case is considered on its own merits.

**Paragraph 19.3** states that an existing licensed driver will be required to have the status of their driving licence reviewed on the third occasion of receiving a fixed penalty notice, after being sent a warning letter. At the time of receiving the fixed penalty notices Mr Warner was not under a duty to inform the Licensing Section that his licence had been endorsed, therefore the Licensing Section were not in a position to send the warning letters which would have occurred in normal circumstances. Please note: Plymouth City Council adopted new Byelaws for the Hackney Carriage trade that were adopted on the 14 July 2009 which now make it a duty to inform this office of a motoring or similar offence within 7 days.

#### **Chapter 4 – Enforcement Policy**

**Paragraph 8.1** - Allows the Council to revoke any licence where it is satisfied that the licence holder is not, for example, fit and proper.

**Paragraph 8.2** requires that when considering revocation, the committee will take into account all relevant facts and circumstances including licensing objectives, nature of the breach and any other information thought to be pertinent to the matter being considered.

The licensing objectives are as follows:

- 1. Safety and health of drivers and the public** - e.g. Consideration of history of convictions and actions, Driver training, qualification and performance, health and fitness to fulfill the role and 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.**

**Paragraph 10.2** gives the committee the discretion to direct a driver appearing them to complete further training or re - training should the drivers' suitability to retain a licence be called into question.

#### **Guidance on the Relevance of Convictions**

**Paragraph 1** – states that 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 a motoring offence is a relevant offence for considering the suitability of a person to retain a licence.

6. Members are asked to consider whether Mr Warner is a “fit and proper” person in light of the above driving licence endorsements and Council and taking into consideration the Council's own guidance.
7. Mr Warner has been invited to attend this Licensing Committee in order that this matter may be considered.

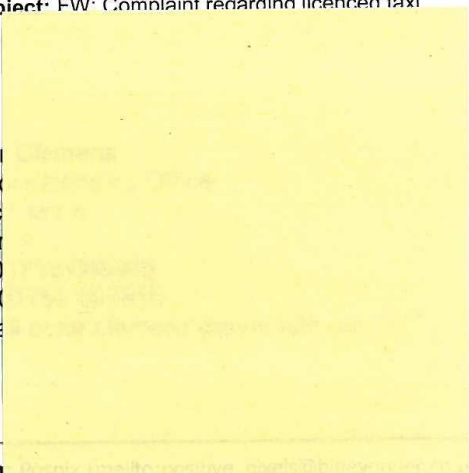
Plymouth City Council  
Civic Centre  
Plymouth  
PL1 2AA

**Curness, George (DEVELOPMENT)**

**From:** Clemens, Peter (DEVELOPMENT)  
**Sent:** 01 September 2009 15:35  
**To:** Taxi Licensing  
**Subject:** FW: Complaint regarding licenced taxi

Tel: 01752 307964  
Fax: 01752 226314  
Email: public.protection@plymouth.gov.uk  
www.plymouth.gov.uk

Peter  
Senior  
Civic  
Floor  
Tel 0  
Fax 0  
E-ma



**From:** [Redacted] k]  
**Sent:** Tuesday, September 01, 2009 3:24 PM  
**To:** Licensing (DEVELOPMENT)  
**Subject:** Complaint regarding licenced taxi

Dear Sirs,

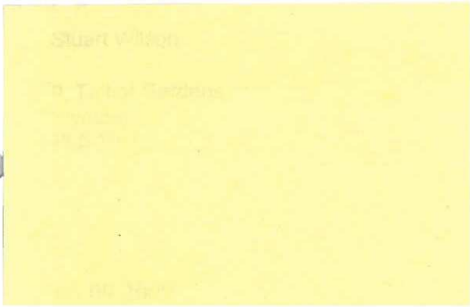
I understand from the PCC website that I should direct any complaints relating to licenced taxis to this department.

I wish to complain about a taxi, bearing the plate '748' , registration SF53ZLN. I was driving along Poole Park Road at 12:05 today. I was not alone in my vehicle. The Taxi approached me at excess speed and drove aggressively and close behind me. This is a 20 mph speed restricted area and I was clearly inhibiting him from speeding.

As I passed over the railway bridge in Barne Road and stopped at the junction with Wolseley Road, intending to turn left with the traffic, I was faced with an oncoming bus in the bus lane. For no justifiable reason, the taxi driver was impatiently beeping his horn at me. When the road was clear and I pulled away from the junction he used the bus lane to *undertake* me at speed and pulled immediately in front of me in order to command the right hand lane so he could turn right around Trelawney Place. He held the right hand lane as if he were heading towards the taxi rank in St Budeaux Square until moments before the zebra crossings at which time he changed lanes without indicating and drove up Victoria Road, again at excess speed.

This was aggressive, irresponsible and dangerous driving from an allegedly 'professional' driver. I would appreciate any advice you might wish to offer on this subject and ask that my complaint be formally registered and acted upon.

Yours sincerely,





Mr J Warner  
26 Wycliffe Road  
Plymouth  
PL3 6BZ

When calling or telephoning please ask for: George Curness

My Ref: GC/LD/754125

Date: 9 September 2009

Dear Mr Warner

I have received a complaint from a member of the public regarding an alleged incident of aggressive driving.

The complainant states that on 1 September 2009 at around midday, the complainant was driving along Poole Park road, and the driver of Hackney Carriage 748 approached his car at speed and stayed close behind the complainant's car until the junction of Wolseley Road.

At the junction, while the complainant was waiting to drive into Wolseley Road, the driver of 748 is alleged to have hooted the horn, and on moving into Wolseley Road, undertook the complainant's car, and immediately pulled in front of the complainant, before driving, at speed, into Victoria Road. The complainant feels that this was aggressive and dangerous.

I do not intend to take any further action in this matter, but, if there is any substance to these allegations, it is not the standard of driving that is expected from a licensed, professional driver.

This letter will be filed and may be referred to if a similar complaint is received. Should you wish to speak to me on this Matter, I can be reached on the above number.

Yours faithfully

George Curness  
Assistant Licensing Officer(Taxis)  
Public Protection Service