

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver Review of Licence Status
Committee Licensing Committee (Hackney Carriage)
Date: 4 August 2011
Cabinet Member: Councillor Jordan
CMT Member: Director for Community Services
Author: George Curness - Taxi Licensing Officer
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Ref: ERS/LIC/GC/dc
Key Decision: No
Part: 1

Executive Summary:

Mr. Dumitru Croitoru is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 29 July 2009. At the time of writing this report, this current licence is due to expire on the 28 July 2011.

On 6 July 2011 a letter was received from Mr Croitoru, which had a notice from Plymouth Magistrates' Court attached, giving details of an endorsement for a motoring conviction.

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

Corporate Plan 2011 – 2014:

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

Improving access across the City

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

Not applicable.

Other Implications: e.g. Section 17 of the Crime Disorder Act 1998, Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment:

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.

Recommendations and Reasons for recommended action:

That Members of the Licensing Committee consider this report.

Alternative options considered and reasons for recommended action

None.

Background papers:

None.

Sign off:

Head of Fin		Head of Leg	AZG/12321/20.7. II	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating CMF Member											

Report

1. Mr. Dumitru Croitoru is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by the Council on the 29 July 2009. At the time of writing this report, this current licence is due to expire on the 28 July 2011.
2. On 6 July 2011 a letter was received from Mr Croitoru, which had a notice from Plymouth Magistrates' Court attached, giving details of an endorsement for a motoring conviction which had not previously been notified to the Licensing Section as required by his conditions of licence. A memorandum of conviction was subsequently obtained from Plymouth Magistrates' court which revealed the information below:

On 3 June 2011 at Plymouth Magistrates' Court.

Convicted of driving a mechanically propelled vehicle, namely a motor vehicle, registration number FG05TKK, on a road, namely Paradise Road, without due care and attention on 20 April 2011. Contrary to S.3 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

Mr Croitoru was fined £150 and ordered to pay costs of £60 and a victim surcharge of £15, and his DVLA licence was endorsed with 5 penalty points.

Mr Croitoru has 5 current penalty points on his DVLA counterpart.

Members are made aware that at the time of this conviction Mr Croitoru was licensed as a Private Hire driver the vehicle involved in the offence LD03HRR, is licensed as a private hire vehicle, owned by Mr Croitoru at the time of the offence.

3. A standard condition of licence exists which requires all Private Hire drivers to notify the Council of any convictions received during the licence period. The conditions of licence are made by virtue of Section 9(2) of the Plymouth City Council Act 1975.

Condition 1(c) of the licence requires;

The licence holder to notify the Council's Licensing Section, IN WRITING, of any conviction in a Court of Law in respect of any Motoring and/or Criminal offences following the grant of a licence, within 7 days of such an conviction.

Mr Croitoru has breached this condition of licence, as the letter sent by him was received on 6 July 2011, 32 days after the conviction. The letter, however, does state, "I'm sorry but I was unaware that I had to inform you immediately of any endorsements that has been served to me".

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. Members are asked to consider whether Mr Croitoru is a “fit and proper” person in light of the above conviction and apparent breach of condition, and what, if any sanction, needs to be applied to his Private Hire driver licence.
7. In deciding whether Mr Croitoru is a “fit and proper” person, Members must have regard to the Council’s Hackney Carriage and Private Hire Licensing Policy. The relevant parts of which 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.**
 - 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.**
 - 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 “fit and proper” 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 no longer, for example, “fit and proper” 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 10.2 - 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 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.

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. Mr Croitoru has yet to complete the Level 2 Vocationally Related Qualification (VRQ) in Transporting Passengers by Taxi and Private Hire or an equivalent qualification.
9. Mr. Croitoru has been invited to attend this Licensing Committee in order that this matter may be considered.