

CITY OF PLYMOUTH

Subject: Vehicle Proprietors
Committee: Taxi Licensing Committee
Date: 19 April 2012
Cabinet Member: Councillor Jordan
CMT Member: Director for Place
Author: George Curness - Taxi Licensing Officer
Contact: Tel: 01752 307964
Email: george.curnes@plymouth.gov.uk
Ref: PPS/LIC/GC/rep
Key decision: No
Part: I

Executive Summary:

On 23 February 2012, a Hackney Carriage driver was brought before the Licensing Committee to answer Members questions regarding the maintenance of the vehicle he drives. During this hearing Members were made aware that the driver was not the owner of the vehicle, and requested the Licensing officer to enquire of the proprietors that own licensed vehicles in numbers, what measures they have taken to ensure a good standard of maintenance.

Corporate Plan 2012 – 2015:

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. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

Members should be aware that Section 17 of the Crime Disorder Act 1998 puts 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:

It is recommended that the Members consider this report

Alternative options considered and reasons for recommended action:

None.

Background papers:

None.

Sign off:

Fin		Leg	AG/14463 /4.4.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. On 23 February 2012, a Hackney Carriage driver was brought before the Licensing Committee to answer Members questions regarding the maintenance of the vehicle he drives. During this hearing Members were made aware that the driver was not the owner of the vehicle, and requested the Licensing officer to enquire of the proprietors that own licensed vehicles in numbers, what measures they have taken to ensure a good standard of maintenance.
2. Officers have identified 16 proprietors who own three vehicles or more. A letter was sent to all owners of multiple licenses, both Hackney Carriage and Private Hire, asking for details of maintenance arrangements, a copy of the letter is reproduced at the end of this report (appendix 1).

A reply from the proprietors with large fleets state that they run their own repair garages, and have a stock of tyres readily available. They keep one or more spare vehicles, in case of emergency.

The licensing Office have now received replies from the majority of the proprietors, who have reported that similar measures are in place, from owning repair shops for the larger fleets to contract arrangements for the smaller fleets.

3. Officers inspect vehicles while on routine patrols and whilst on joint partnership exercises. If a vehicle is found to have serious faults, the vehicle licence is suspended until the fault is rectified. If Devon and Cornwall Police are in attendance, they will deal with the matter as they see fit, usually by issuing a fixed penalty notice, or in isolated cases, reported to Court for the offence.

The chief consideration of the Licensing Office is the safety of passengers, and by suspending the licence, this ensures that the vehicle will not be used for hire and reward until it is deemed roadworthy. Following any suspension of a vehicle, Officers will contact the proprietor to ensure that they are aware of the fault and that a good standard of vehicle repair is maintained. If persistent vehicles faults are found, Officers will refer the matter to Committee for consideration.

4. The Plymouth City Council Act 1975 S.5 (a) states that the Council shall not grant such a licence unless they are satisfied that the vehicle is

(iii) in a suitable mechanical condition and

(iv) safe.

S.18 (1) states that Council may suspend or revoke, or refuse to renew a vehicle licence on any of the following grounds

(a) that the Hackney Carriage or Private hire vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle, or

(c) for any other reasonable cause.

Please ask for: George Curness

Date 19 March 2012

My Ref LD/GC

Your Ref

Dear Sir

It is of concern that the number of immediate prohibition notices issued to drivers of vehicles with serious faults, where the vehicle is rented.

The majority of the notices issued are for vehicles being driven, with passengers, with tyres below the legal limit for tread.

In some cases the tyres were so worn down that "cord" was showing, and in others vehicles had more than one tyre with tread below the legal limit of 1.6 mm, other faults include lights not working, faulty seat belts and body damage.

I am therefore writing to you, as the owner of a number of vehicles, to establish whether you have a system in place that will reduce the failure rate. If you have a system in place whereby the driver can obtain tyres at a supplier on an account, or where you have a garage that can carry out repairs and replacements, this would seem to be a mitigating factor in whether or not the owner is, to some degree, responsible.

Can you please let me know the measures that you have in place with regard to the maintenance of your vehicles, in particular, whether or not the driver has access to tyres etc, over a weekend or at night, when the drivers are busiest and could be compromising their passengers safety.

Yours faithfully

George Curness
Taxi Licensing Officer