

CITY OF PLYMOUTH

Subject: Licensed Hackney Carriage Driver – Review of Licence Status
Committee Taxi Licensing Committee
Date: 7 June 2012
Cabinet Member: Councillor Coker
CMT Member: Director for Place
Author: Mark Small – Taxi Licensing Officer
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Ref: ERS/LIC/MTS/ift
Part: I

Executive Summary:

Mr Iulian Florin Trotus is the holder of a Hackney Carriage driver licence having been first licensed by this Council on the 19 September 2009 as a Private Hire driver. On the 3 February 2011, Mr Trotus was granted a Hackney Carriage driver licence which he held as well as his Private Hire driver licence, until the latter was surrendered by him on the 25 May 2011. The Hackney Carriage driver licence was subsequently renewed on the 3 February 2012 and is due to expire on the 2 February 2015.

On the 26 March 2012 Mr Trotus informed the Licensing section in writing that he had received an endorsement on his DVLA driving licence on 7 February 2012. An examination of his driver file revealed he had been previously sent a warning letter for receiving endorsements on his driving licence and for failing to notify the Licensing section within the correct time limits.

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: eg 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 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:

Members of the Taxi Licensing Committee consider this report.

Alternative options considered and reasons for recommended action

None.

Background papers:

None.

Sign off:

Fin		Leg	10.5.2012 / 14486/AZG	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Report

1. Mr Iulian Florin Trotus is the holder of a Hackney Carriage driver licence having been first licensed by this Council on the 19 September 2009 as a Private Hire driver. On the 3 February 2011 Mr Trotus was granted a Hackney Carriage driver licence which he held as well as his Private Hire driver licence, until the latter was surrendered by him on the 25 May 2011. The Hackney Carriage driver licence was subsequently renewed on the 3 February 2012 and is due to expire on the 2 February 2015.
2. On the 26 March 2012 Mr Trotus informed the Licensing section in writing that he had received an endorsement on his DVLA driving licence on 7 February 2012.

Details of the motoring endorsement are given below:

On 7 February 2012 Mr Trotus was issued with a Fixed Penalty Notice for Failing to Comply with Traffic Light Signal. His driving licence was endorsed with 3 Penalty Points and a £60 fine.

3. An examination of his driver file revealed the following motoring offences were endorsed on his DVLA driving licence -

On 28 May 2010 he was issued with a Fixed Penalty Notice for Exceeding Statutory Speed Limit on a Public Road, where his DVLA driving licence was endorsed with 3 Penalty Points

On 31 May 2011 at Plymouth Magistrates Court he was convicted for Using a Vehicle with a Defective Tyre on 11 March 2011. His DVLA driving licence was endorsed with 3 Penalty Points and he was fined £90.

The conviction on the 31 May 2011 was resultant from a joint Council and Police taxi enforcement exercise where the vehicle being driven by Mr Trotus was found to have the front nearside tyre worn to the steel cord on the inner edge. A Taxi Licensing Officer suspended the vehicle licence and a Police Officer reported Mr Trotus for the offence. A photograph of the tyre is attached marked Appendix A. Mr Trotus did report this conviction in a letter dated 9 January 2012 and which was received on the 30 January 2012.

4. On 16 February 2012, Mr Trotus was sent a warning letter by a Taxi Licensing Officer due to his driving licence endorsements and for failing to notify the Licensing section within the correct timeframe as required by his Hackney Carriage Byelaws. The letter also informed Mr Trotus that should he receive any further endorsements on his DVLA licence, then the status of his Hackney Carriage driver licence would be reviewed by Members of the Taxi Licensing Committee.

At the time of writing this report Mr Trotus has a total of 9 live penalty points endorsed on his DVLA driving 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.
6. Members are asked to consider whether Mr Trotus is a “fit and proper” person in light of the motoring offences contained within this report. In deciding whether Mr Trotus 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 the Council’s policy are detailed below:

General Policy

The Councils 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 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.**

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.

Paragraph 19.1 states that the Council will have regard to fixed penalties when considering if an applicant is a fit and proper person.

Paragraph 19.3 states that similar provisions are proposed for existing drivers who received endorsements on their driving licence. An isolated fixed penalty will not generally require any action by the Council; a driver receiving a further endorsement during their licence period will be sent a warning letter. A further endorsement after being sent a warning letter, will require the driver to appear before Members of the Licensing Committee for the status of the licence to be reviewed.

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.

Paragraph 8.2 - Requires that when considering revocation, the Committee will take into account all relevant facts and circumstances including licensing objectives, the 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 re training should the driver’s suitability to retain a licence be called into question.

Guidance on the Relevance of Convictions

Paragraph 2 – states that motoring offences are relevant offences for considering the suitability of a person to retain a licence.

Paragraph 6 – states that the grant of a private hire or hackney carriage licence permits the transport of members of the public around the city, it follows that driving licence endorsements, which includes fixed penalties, are highly relevant.

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

Appendix A

