

## CITY OF PLYMOUTH

**Subject:** Licensed Private Hire Driver – Review of Licence Status  
**Committee** Taxi Licensing Committee  
**Date:** 6 September 2012  
**Cabinet Member:** Councillor Coker  
**CMT Member:** Anthony Payne, Director for Place  
**Author:** George Curness – Licensing Officer (Taxis)  
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**Ref:** ERS/LIC/GC/pm  
**Key Decision:** No  
**Part:** I

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### **Executive Summary:**

Mr. Petrisor Marasescu is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council on the 9 September 2009. His current licence is due to expire on 13 September 2012.

On 31 July 2012, during an enforcement patrol, the vehicle driven by Mr Marasescu was found to be un-roadworthy.

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

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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: eg. Child Poverty, 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.

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**Recommendations and Reasons for recommended action:**

That 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:**

None.

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**Sign off:**

Fin		Leg	SD/15385/ 20.8.12	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											
Have you consulted the Cabinet Member(s) named on the report? No.											

## Report

1. Mr. Petrisor Marasescu is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council on the 2 September 2009. His current licence is due to expire on 13 September 2012.
2. On 31 July 2012, during an enforcement patrol, the vehicle driven by and licensed to Mr Marasescu was found to be un-roadworthy.
3. The details of the inspection are as follows,

The front driver's side tyre was found to be worn to excess. A photo of the tyre is reproduced at the end of this report as appendix 1.

4. The vehicle licence was immediately suspended, the work was completed and the suspension was lifted the same day. The suspension notice is reproduced at the end of this report as appendix 2.
5. Members are made aware that, as the owner, licensee and sole driver of vehicle licence number 1314, Mr Marasescu is responsible for its road worthiness. The fault on the tyre can be plainly seen on the outside of the wheel, and indicates that Mr Marasescu has a lack of regard to the safety of his passengers and to the rules that are attached to vehicles and their maintenance.
6. Members are made aware vehicles driver by Mr Marasescu's have been inspected by licensing officers on other occasions.

On 22 June 2011, licence number 1314, was found to have a space saver tyre on the rear offside of the vehicle, this is not permitted for public use, and a suspension notice issued, in accordance with condition 11 of the Specifications for Private hire Vehicles which states that, "if a vehicle is equipped with a space saver spare tyre or similar emergency repair system, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre". It is not permitted to carry passengers using a space saver tyre. The suspension was lifted on 23 June 2011. Failure of the vehicle to comply with the above specifications is a breach of condition 1 of the Private Hire conditions of vehicle licence.

On 20 April 2011, a private hire vehicle, licence number 1372, was inspected and found to have no faults

On 22 October 2010, a private hire vehicle,, licence number 1372 was inspected and found to have no washers working, there was no "bulb kit" available and the vehicle had a dirty interior. The faults were rectified on the 25 October 2010.

On 28 October 2009, a private hire vehicle, licence number 1188, was inspected and found to have no number plate lamps and 2 x body damage. The licence faults were rectified the same day.

Mr Marasescu is the sole driver of these vehicles.

7. Members are asked to consider whether Mr Marasescu is a “fit and proper” person and whether any action should be taken against his Private Hire driver’s licence in light of the lack of maintenance of the vehicles that he drives.
8. 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.
9. 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)
- 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”.

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

**Paragraph 10.2** gives the Committee the discretion to direct a driver appearing before them to complete further training or retraining, should the drivers’ suitability to retain a licence be called into question.

10. Members are made aware that Mr Marasescu has completed the BTec in Transporting Passengers by Taxi and Private Hire
11. Mr Marasescu has been invited to attend this Licensing Committee in order that this matter may be considered.

# Appendix I



**THIS NOTICE HAS IMMEDIATE EFFECT**



**Plymouth** MALASCOU

Plymouth City Council Act 1975  
Environmental Regulations Service – Licensing Section

Driver / Proprietor: \* R. H. KRISOR

Address:

The following vehicle of which you are the driver / proprietor\* was inspected pursuant to the provisions in section 26 of the Plymouth City Council Act 1975:

Plate no. 1314 VRM: 7654 SN7

At (time): 10.00 hrs, on 31.7.12

At (place): BAMOUTH RD

And I am not satisfied as to:

1. Its fitness as a licensed vehicle by reason of the following defects:

(a) W/SLA TYRE SHOWING

(b) COLD ON OUTER EDGE

(c) (Photo)

(d) .....

(e) .....

(f) .....

2. The accuracy of its taximeter.

I therefore give you notice pursuant to section 26 of the Plymouth City Council Act 1975:

(1) \*That the above defects be rectified within ..... days of the issue of this notice, and the vehicle presented to the issuing officer for further examination.

(2)\*That the vehicle / taximeter must be made available for further inspection at a council approved registered test station for further testing by an authorised vehicle examiner as to its fitness / accuracy.

(3)\*That the vehicle licence is **IMMEDIATELY SUSPENDED** (see Important Note 3 overleaf)

Signed: [Signature]

Issued by: [Signature]

For \* Head of Environmental Regulations Service  
\* Chief Constable

**IMPORTANT NOTES**

(1) If an unfit vehicle is used as a Hackney Carriage or Private Hire vehicle, the licence is liable to be **SUSPENDED** or **REVOKED**, and the driver may be prosecuted.

(2) If the vehicle is not satisfactorily tested within **2 months** the vehicle licence shall be revoked by virtue of section 26 of the Plymouth City Council Act 1975, and that section 18 sub-sections 2 and 3 shall apply.

\* Delete as applicable

Continued overleaf