

CITY OF PLYMOUTH

Subject: Licensed Driver – Review of Driver Licence Status
Committee Taxi Licensing Committee
Date: 25 October 2012
Cabinet Member: Councillor Coker
CMT Member: Anthony Payne, Director for Place
Author: George Curness – Licensing Officer (Taxis)
Contact: 307964 e-mail george.curness@plymouth.gov.uk
Ref: ERS/LIC/GC/jj
Key Decision: No
Part: I

Purpose of the report:

For Members of the Committee to review the status of the Hackney Carriage driver licence held by Mr Jake Journeaux, having due regard for the information contained within the report, any representations made by the applicant and the Taxi Licensing Policy of the Council.

Corporate Plan 2012 - 2015:

This report links to the delivery of the City and Council priorities.

In particular : Provide value for Communities.

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

Not applicable.

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.

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:

(Insert)

Sign off:

Head of Fin		Head of Leg	AZG/3.10.12/15741	Head of HR		Head of AM		Head of IT		Head of Strat. Procur.	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? Yes / No* please delete as necessary											

Report

1. Mr. Jacob Lee Journeaux is a licensed Hackney Carriage driver, having been first granted a Hackney Carriage driver's licence by this Council on the 19 August 2011. His current licence is due to expire on 18 August 2013.
2. On the 4 August 2012, during an enforcement patrol, the vehicle driven by Mr Journeaux was found to be un-roadworthy.
3. The details of the inspection are as follows,

The rear passenger side tyre was found to be worn to below the legal limit of 1.6mm. A photo of the tyre is reproduced at the end of this report as Appendix A.

The vehicle licence was immediately suspended, the wheel was changed on the roadside and the suspension was lifted after the wheel change. A copy of the suspension notice is reproduced as Appendix B

4. Members are made aware that vehicles driven by Mr Journeaux have been inspected by licensing officers on other occasions.

On 11 May 2012, on a Joint Enforcement operation with Devon and Cornwall Police, the vehicle driven by Mr Journeaux, V363ECD, licence number 842, was found to have both front tyres worn to below the legal limit, and a rear passenger side tyre was recorded as having 1.7mm of tread. The vehicle was immediately suspended, and a Fixed Penalty Notice was issued to Mr Journeaux by Police Officer 5883. The suspension notice was lifted the following day after the vehicle was presented in a satisfactory condition.

On 3 February 2012, the vehicle driven by Mr Journeaux, W979ULX, licence number 777, was found to have the passenger side rear tyre worn to below the legal limit. The vehicle was immediately suspended. The suspension notice was lifted the same day after the vehicle was presented in a satisfactory condition.

Copies of these notices are reproduced as Appendix C and D

The vehicles driven by Mr Journeaux are hired by him from two different proprietors. Both proprietors have previously been seen by Officers and they are satisfied that the proprietors have procedures in place to deal with these matters, when advised and required to do so.

Members are made aware that, as the driver of this vehicle, Mr Journeaux is responsible for its road worthiness.

5. Members are made aware that Mr. Journeaux has also been issued with two warning notices for Bye-Law contraventions.

On 11 November 2011 he was issued a written warning for failing to wear a drivers' badge when plying for hire.

On 2 March 2012 on a Joint Agency Operation with Devon and Cornwall Police, he was issued a written warning for Failing to Proceed, as he was plying for hire while not on a Hackney Carriage stand.

Copies of these notices are reproduced as Appendix E and F

6. Members are made aware that all these incidents occurred during his probationary year as a Hackney Carriage driver.

7. Members are asked to consider whether Mr Journeaux is a “fit and proper” person and whether any action should be taken against his Hackney Carriage driver’s licence in light of the lack of maintenance of the vehicles that he drives and lack of consideration for the rules pertaining to Hackney Carriages and drivers.
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.

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 contravention of licensing laws or conditions are relevant offences for considering the suitability of a person to retain a licence.

10. Members are made aware that Mr Journeaux has completed the BTEC in Transporting Passengers by Taxi and Private Hire in July 2012.
11. Mr. Journeaux has been invited to attend this Licensing Committee in order that this matter may be considered.

Appendix A



THIS NOTICE HAS IMMEDIATE EFFECT



Plymouth City Council Act 1975
Environmental Regulations Service - Licensing Section

Driver / Proprietor* MR J. SOURNEAU

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. 842 VRM: V363ECD

At (time): 17.45 hrs, on 4.8.12

At (place): THE PARADE

And I am not satisfied as to:

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

- (a) N/S/R TYRE 1.4 MM
- (b) BELOW LEGAL LIMIT
- (c)
- (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: G. CORNES

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


City of Plymouth
Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor: * SAKS SURKAVI

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. 8442 VRM: V363 GCD

At (time): 21:35 hrs, on 11.5.17

At (place): BEING PARADE

And I am not satisfied as to: FRN 5883

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

- (a) BOTH FRONT TYRES WORN
- (b) ofs 1.0MM, 1.0 No INN.
- (c)
- (d) N/S/R TYRE 1.7MM
- (e)
- (f) EXCEEDS 10 STM

2. The accuracy of its taximeter. 07917264637

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: C. P. [Signature]

Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor* JAKE JOURNAK

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. 777 VRM: U979 U4X

At (time): 20.15 hrs, on 3.2.12

At (place): OLD TOWN ST

And I am not satisfied as to:

- Its fitness as a licensed vehicle by reason of the following defects:
(a) W/S/R TRG 1.2 M.
(b)
(c)
(d)
(e) 0791 1264631
(f)
- The accuracy of its taximeter.


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

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

Signed:
Issued by:

For * Head of Environmental Regulations Service
* Chief Constable

**BYELAW
CONTRAVENTION
Warning Notice**



Town Police Clauses Act 1847 /
Plymouth City Council Hackney Carriage Byelaws 2009.
Public Protection Service – Licensing Section

On the 11th of NOVEMBER 2011
at / between* 2343 hrs, you (name)
JANE YURANSKY
license number 1465 of (address)

Being the driver / proprietor* of the following licensed
Hackney Carriage, licence number 717
registered number W979 ULX were observed
in (place) BASKET CASE
BOOKING

In circumstances which gave me reason to believe that the
following offence(s) against the Plymouth City Council Hackney
Carriage Byelaws had been or were being committed by you:

* tick applicable offence(s).

7(a) Failing to proceed to and station the carriage on a stand (during its hours of operation)

7(b) Failing to proceed to another stand if stand full on arrival

7(c) Failing to position carriage immediately behind carriage on a stand not fully occupied.

7(d) Fail to move forward on stand when carriage in front moves off or moves forward.

14 Failing to wear drivers badge when standing or plying for hire or when hired.

Other _____

I admit that I have committed the above offence(s)
and accept this warning notice in relation to those offences.

**BYELAW
CONTRAVENTION**
Warning Notice



Town Police Clauses Act 1847 /
Plymouth City Council Hackney Carriage Byelaws 2009.
Public Protection Service – Licensing Section

On the 2nd of MARCH 2012
at / between* 2206 hrs, you (name)
JAKOB JAKUBSTAD
4CDL 1465 of (address)

Being the driver / proprietor* of the following licensed
Hackney Carriage, licence number 777
registered number NY19 UHX were observed
in (place) THE PARADE CIS HAKESUR
STOPS.

In circumstances which gave me reason to believe that the
following offence(s) against the Plymouth City Council Hackney
Carriage Byelaws had been or were being committed by you:

* tick applicable offence(s).

- 7(a) Failing to proceed to and station the carriage on a stand (during its hours of operation)
- 7(b) Failing to proceed to another stand if stand full on arrival
- 7(c) Failing to position carriage immediately behind carriage on a stand not fully occupied.
- 7(d) Fail to move forward on stand when carriage in front moves off or moves forward.
- 14 Failing to wear drivers badge when standing or plying for hire or when hired.
- Other _____

I admit that I have committed the above offence(s)
and accept this warning notice in relation to those offences.

Signed _____
Licence holder sign