

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/pm
Key Decision: No
Part: I

Purpose of the report:

For Members of the Committee to consider the review of the Private Hire drivers licence held by Mr Marasescu, having due regard for the information contained within the report, any representations made by Mr Marasescu 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: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of HR, Corporate Property, IT and Strat. Proc. as appropriate)

Head of Fin		Head of Leg	AZG/3.10.12 / 15738	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											

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 - licence number 1314 - 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 driven 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. Members are also asked to consider whether Mr Marescescu's vehicle is fit for use as a Private Hire vehicle and whether any action should be taken against Mr Marescescu's vehicle licence in light of the above failed inspections.
10. The actions open to Members are those contained in Section 18(1) (b) of the Plymouth City Council Act 1975 which provides for the Council to suspend, revoke or refuse to renew a vehicle licence on the grounds that the Hackney Carriage or Private Hire vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle or for any other reasonable cause.
11. 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 16 – Private Hire Vehicle Conditions – states that all tyres and wheels (including the spare) must meet the legal requirements as to suitability for use of the vehicle. Tyres must have a minimum tread depth as required by law. They must be kept in good order and at the correct pressures. A wheel brace and car jack to enable the effective change of tyre and wheel must be carried. If a vehicle is equipped with a space saver spare tyre, 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.

Paragraph 12.3 – Plymouth City Council Hackney Carriage and Vehicle Licensing Policy 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.

12. Mr Marasescu was invited to the previous meeting, but due to an administration fault, the invitation was sent to his previous address. Members are made aware that Mr Marasescu has completed the BTec in Transporting Passengers by Taxi and Private Hire.
13. 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 *MARASCOW*

Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor* *R. P. Marascow*

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) *N/A*
- (b) *W/STRENGTH SHOWING*
- (c) *COLD ON OUTER EDGE*
- (d) *(P. NO. 6)*
- (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