

CITY OF PLYMOUTH

Subject: Licensed Private Hire Driver – Review of Licence Status
Committee: Taxi Licensing Committee
Date: 22 November 2012
Cabinet Member: Councillor Coker
CMT Member: Anthony Payne
Author: George Curness Licensing Officer (Taxis)
Contact: Email george.curness@plymouth.gov.uk
Tel: 01752 307964
Ref: ERS/LIC/GC/cs
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 Szikszai, having due regard for the information contained within the report, any representations made by Mr Szikszai 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: e.g. 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 puts 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:

None

Fin		Leg	AG/15957/12.11. 12	HR		Corp Prop		IT		Strat Procur	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? Yes / No											

Report

1. Mr. Cornel Szikszai is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council on the 5 March 2012. His current licence is due to expire on 4 March 2013.
2. On 16 October 2012, during an enforcement patrol, the vehicle - licence number 1278, VRM NJ03BSY - driven by Mr Szikszai was found to be un-roadworthy.
3. The details of the inspection are as follows,

The rear driver's side tyre was found to be worn to excess. The two front tyres were also found to be below the legal limit on the centre tread.

4. The vehicle licence was immediately suspended. The suspension notice is reproduced at the end of this report as appendix 1. The Road Safety and Casualty reduction officer of Devon and Cornwall Police was called, and on inspection of the vehicle, decided to issue Mr Szikszai with a fixed penalty fine and three penalty points on his DVLA UK counterpart for the rear tyre. Mr Szikszai was given warnings on the two remaining front tyres by the Police Officer. The work was subsequently completed and the suspension was lifted the same day.

A second notice was issued at this time, as the vehicle had a defective front number plate and damage was found to the passenger side rear door. This vehicle defect notice allowed 2 weeks to get these repairs completed to a satisfactory standard.

5. Members are made aware that as the sole driver of vehicle licence number 1278, Mr Szikszai is responsible for its road worthiness. The fact that three tyres were below the legal limit indicates that Mr Szikszai could have 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 that this vehicle, driven by Mr Szikszai has been inspected by licensing officers on other occasions.

On 12 September 2012, licence number 1278, was found to have no faults at that time.

On 24 July 2012, licence number 1278, VRM NJ03BSY, the vehicle driven by Mr Szikszai, was found to have the front passenger side tyre worn to excess. 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.

7. Members are made aware that Mr Szikszai is not the owner of this vehicle. An Officer contacted the owner of the vehicle on 22 October 2012 who confirmed that if Mr Szikszai has any concerns regarding the vehicle he should contact him and the repairs are carried out immediately.
8. Members are made aware that as Mr Szikszai was first licensed in March 2012, this is his first probationary year.
9. Members are asked to consider whether Mr Szikszai 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.

10. 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.
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

Private Hire 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.

Chapter 2. – Conditions of Licence

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 10.1 – States that a disciplinary hearing is for any matter concerning the breach of any licence condition or statutory regulation that may require a sanction being sought against any licence, and is determined by the Licensing Committee (Hackney Carriage)

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. As Members are aware that Mr Szikszai is in his probationary year, Members may consider it suitable to extend Mr Szikszai’s probation by a further year, with a warning that further incidents will be dealt with more onerously, whereby Members may take the view recorded in Paragraph 10 to revoke or refuse to renew the licence held by Mr Szikszai.
13. Mr. Szikszai has been invited to attend this Licensing Committee in order that this matter may be considered.

LICENCE SUSPENSION/
VEHICLE DEFECT NOTICE



THIS NOTICE HAS IMMEDIATE EFFECT

Driver/Proprietor MR SZISKAL

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. 1278 VRM NJ03BS7

At (time) 12.55 hrs, on 16/01/12

At (place) PLYMSTOCK B/D

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 1.55 C.T.RGA
- b O/S/R TYRE 1.44 C.T.RGA
- c O/S/R TYRE 1.4-1.13 CENX1
- d 57917264637
- e 304141-0711
- f

2 The accuracy of its taximeter FPN

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

- 1 * That the above defects be rectified withing 7 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 GCURNESS

Issued by [Signature]

For * Head of Environmental Services Department
* 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 **two 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 appropriate Continued overleaf

THIS NOTICE HAS IMMEDIATE EFFECT

307984



Plymouth City Council Act 1975
Environmental Regulations Service – Licensing Section

Driver / Proprietor: * MR. SZIKCZAI

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. 1270 VRM: N.T.03 BSY

At (time): 1524 hrs, on 24.07.12

At (place): WILLIAM PRANKS RD

And I am not satisfied as to:

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

(a) FNC TYRE - EXCESS WEAR

(b) CENTRE TRACK 1.52mm

(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:

Issued by: M.C.M.M.L.

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