

CITY OF PLYMOUTH

Subject: Licensed Hackney Carriage Driver – Review of Licence Status

Committee Taxi Licensing Committee

Date: 20 December 2012

Cabinet Member: Councillor Coker

CMT Member: Anthony Payne, Director for Place

Author: Steve Forshaw, Licensing Officer (Taxis)

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Ref: ERS/LIC/SF

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 Christopher Russell Wildman, 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: 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 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:

None.

Sign off

Fin		Leg	SD/30.11.12/16224	HR		Corp Prop		IT		Strat Procur	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? No											

Report

1. Mr Christopher Wildman is a licensed Hackney Carriage driver, having been first granted a Hackney Carriage driver's licence by this Council on the 2 May 2002. His current licence is due to expire on 1 May 2015.
2. On the 31 October 2012, during an enforcement patrol in Old Town Street, the vehicle driven by Mr Wildman vehicle GV54 WKE licence plate number 599 was found to be un-roadworthy.

The details of the inspection are as follows:

The front tyres were found to be worn down to the cord. Photographs of the tyres are reproduced at the end of this report as Appendix A.

Hackney carriage licensing conditions of licence Para 16 states all tyres and wheels (including the spare) must meet the legal requirements as to suitability for use on 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.

The vehicle licence was immediately suspended and following completion of the repairs the suspension notice was lifted on 1 November 2012. A copy of the suspension notice is reproduced as Appendix B

3. Members are made aware that Mr Wildman's vehicle has been inspected by licensing officers on other occasions in the past year at which time the vehicle was found to be satisfactory. Mr Wildman drives and owns his own vehicle and Members are made aware that, as the driver of his vehicle he is responsible for its road worthiness.
4. Members are asked to consider whether Mr Wildman 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 vehicle on this occasion.
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 Wildman's vehicle is fit for use as a hackney carriage vehicle and whether any action should be against the vehicle licence in light of the failed inspection.
7. 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.
8. 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' or where a breach of condition of licence has been established.

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.

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

Appendix A

012012-001.jpg - Windows Picture and Fax Viewer






Appendix B

3 - The vehicle licence is suspended by virtue of the provisions of section 26 of the Plymouth City Council Act 1975.

IMPORTANT NOTES CONT

**LICENCE SUSPENSION/
VEHICLE DEFECT NOTICE**



**PLYMOUTH
CITY COUNCIL**

THIS NOTICE HAS IMMEDIATE EFFECT

Driver/Inspector CHRIS WILDMAN

Address

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

Plate no. 599 VPM GVS4 WKE

At time: 19:36 hrs on 31/10/12

At place: OLD TOWN STREET

And I am not satisfied as to:

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

a. N/K/F TYRE SHOWING CORD

b. DISIF TYRE SHOWING CORD

c. _____

d. _____

e. _____

f. _____

2 The accuracy of its odometer

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/odometer 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 S. Farnsworth

Issued by S. Farnsworth

For: * Head of Environmental Services Department
* Chief Constable

IMPORTANT NOTES

- 1 If an hire 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 a vehicle is not satisfactorily tested within **two months** the vehicle licence shall be revoked by virtue of section 26 of this Plymouth City Council Act 1975 and this section 18 sub sections 2 and 3 shall apply.

* Delete as appropriate. Continued overleaf