

CITY OF PLYMOUTH

Subject: Licensed Private Hire 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: George Curness – Licensing Officer (Taxis)
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Ref: ERS/LIC/GC/srr
Key Decision: No
Part: I

Purpose of the report:

For Members of the Committee to consider the review of the Private Hire driver's licence held by Mr Sergiu – Raul Roman, having due regard for the information contained within the report, any representations made by Mr Roman 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/4.12.12/1618 I	HR		Corp Prop		IT		Strat Procur	
Originating SMT Member:											
Have you consulted the Cabinet Member(s) named on the report? No											

Report

1. Mr Sergiu - Raul Roman is a licensed Private Hire vehicle driver, having been first granted a Private Hire driver's licence by this Council on the 20 February 2012. His current licence is due to expire on 19 February 2013.
2. On 2 November 2012, during a joint enforcement patrol, the vehicle, registration number FG06HPC - licence number 424, driven by Mr Roman was found to be un-roadworthy.

The details of the inspection are as follows -

The rear passenger's side tyre was found to be 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 1.

3. On 11 October 2012, during a joint enforcement patrol, the vehicle, registration number FG06HPC - licence number 424 - driven by Mr Roman was found to be un-roadworthy.

The front passenger's side tyre was found to be worn to excess. Photos of the tyre are produced at the end of this report as appendix 2.

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 3. Members are made aware that Mr Roman has been dealt with separately by the Police in respect of this matter.

4. It is a condition of the Private Hire Vehicle Licence (condition 16) that all tyres and wheel (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.
5. Members are made aware that, as the sole driver of this vehicle, Mr Roman is solely responsible for its road worthiness. The fault on the tyre can be plainly seen on the wheel and as there are two separate occasions when the vehicle was suspended, this indicates that Mr Roman has a lack of regard to the safety of his passengers and to the rules that are attached to vehicles and their maintenance. The owner of the vehicle has been contacted and has made Officers aware that arrangements are in place for repairs, and specifically tyres, to be carried out following a phone call to the proprietor.
6. Members are asked to consider whether Mr Roman 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.
7. 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.
8. Members are also asked to consider whether Mr Roman's vehicle is fit for use as a Private Hire vehicle and whether any action should be taken against Mr Roman's vehicle licence in light of the above failed inspections.

9. 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.
10. 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 a 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.

11. As Members are made aware that Mr Roman is in his probationary year of being licensed as a driver.
12. Mr Roman has been invited to attend this Taxi Licensing Committee in order that this matter may be considered.

LICENCE SUSPENSION/ VEHICLE DEFECT NOTICE



THIS NOTICE HAS IMMEDIATE EFFECT

Driver/Proprietor SERGEY ROMAN

Address [REDACTED]

The following vehicle
was inspected by
Plymouth City Council

Plate no. N24 VRM FG06 HPC

At (time) 20.10 hrs, on 2.11.12

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 WORN TYRES

b ON INNER EDGES

c BELOW LEGAL LIMIT

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 _____

For * Head of Environmental Services Department
* Chief Constable

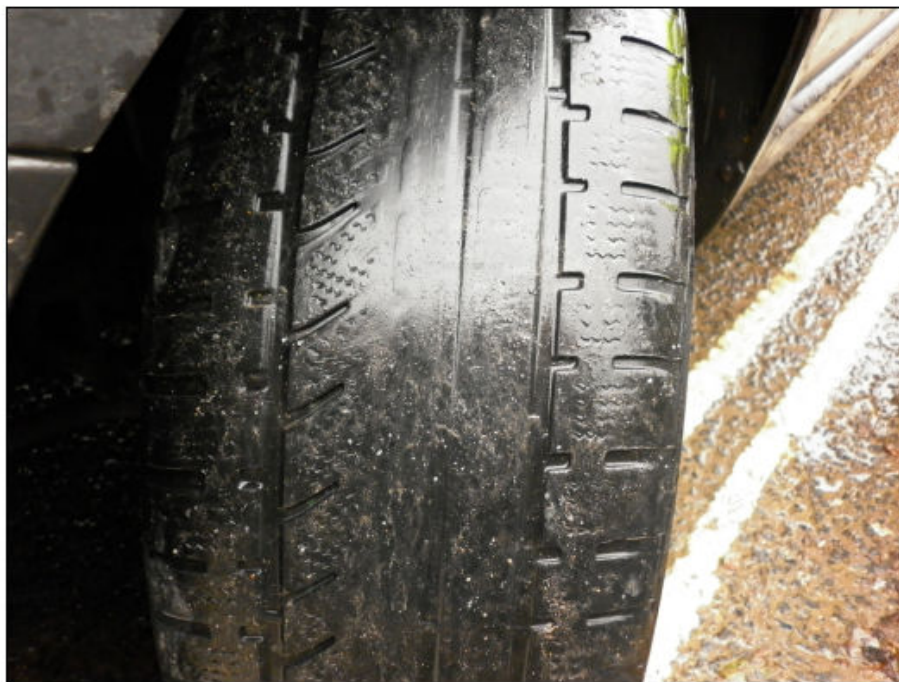
IMPORTANT NOTES

- 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

Appendix 2



**LICENCE SUSPENSION/
VEHICLE DEFECT NOTICE**

THIS NOTICE HAS IMMEDIATE EFFECT
Driver/Proprietor K. SERRAAddress

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. 424 VRM FC006PAt (time) 11.58 hrs, on 11.10.12At (place) WILLOW PARK B

And I am not satisfied as to:

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

a 215/15 Tyreb 0.88 - 0.7c BELOW LEGAL LIMITd 215 STOP LAMP JSe 07917264637f FPN - (To Court) 3826

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 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

Issued by A. Collett

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