

PLYMOUTH CITY COUNCIL

Subject: Licensed Private Hire Driver – Review of Licence Status
Committee: Taxi Licensing Committee
Date: 28 February 2013
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/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:

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.

Equality and Diversity

Has an Equality Impact Assessment been undertaken – No.

Recommendations and Reasons for recommended action:

Members of the Licensing Committee consider this report.

Alternative options considered and rejected

None.

Published Work/Information

None.

Background papers:

None.

Sign off:

Head of Fin		Head of Leg	AG/15957/12.11.12 SD/12.1.13/16684	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? 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 Road Safety and Casualty reduction officer of Devon and Cornwall Police was called and dealt with Mr Szikszai separately in respect of the worn tyres. 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.

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. It is a condition of the Private Hire Vehicle Conditions 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.
9. Members are made aware that as Mr Szikszai was first licensed in March 2012, this is his first probationary year.

10. 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.
11. 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.
12. Members are also asked to consider whether Mr Szikszai’s vehicle is fit for use as a Private Hire vehicle and whether any action should be taken against Mr Szikszai’s vehicle licence in light of the above failed inspections.
13. 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.
14. 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 – 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

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 a breach of licence condition 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 10.1 – 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.

15. 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.
16. On 17 January 2013 the Operator’s copy of Mr Szikszai was received from his operator, an e-mail was requested from them which states that Mr Szikszai no longer was working for them and that they assumed he had left the country.
17. Mr Szikszai has been invited to attend this Licensing Committee in order that this matter may be considered.