

Public Document Pack

Committee Administrator
Julia Stuckey
Tel: 01884 234209
E-Mail: jstuckey@middevon.gov.uk

MID DEVON DISTRICT COUNCIL

REGULATORY SUB COMMITTEE D

A MEETING of the **REGULATORY SUB COMMITTEE D** will be held at Exe Room, Phoenix House, Tiverton on Thursday, 10 November 2016 at 2.00 pm

STEPHEN WALFORD

Chief Executive
2 November 2016

Councillors: Mrs G Doe, P H D Hare-Scott and D J Knowles

A G E N D A

MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE

1 Apologies and Substitute Members

To receive any apologies for absence and notices of appointment of Substitute Members (if any).

2 Chairman - Election

To elect a Chairman for the meeting.

3 To Determine Whether or Not an Applicant is Fit and Proper to Hold a Hackney Carriage/Private Hire Driver Licence (Pages 3 - 30)

The Sub Committee to decide, in light of the information set out within the report and the response of the licence holder, whether or not the individual remains fit and proper to hold licenses with this authority.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member

Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Mayoralty Room on the first floor of the Town Hall or the Exe Room in Phoenix House is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckey on:

Tel: 01884 234209

E-Mail: jstuckey@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

AGENDA ITEM

REGULATORY SUB COMMITTEE

10 November 2016

REPORT OF THE DIRECTOR OF CORPORATE AFFAIRS AND BUSINESS TRANSFORMATION

TO ASSESS THE FITNESS OF A CURRENT HACKNEY CARRIAGE / PRIVATE HIRE DRIVER

Responsible Officers: Jackie Taylor – Licensing Officer.
Thomas Keating – Lead Licensing Officer.

REASON FOR REPORT

1. This Council has a licenced driver who has on 5 occasions in the last 18 months failed to submit **Private Hire Vehicle Licence** documentation, **Hackney / Private Hire Drivers Licence** documentation and **Private Hire Operator Licence** documentation in accordance with the Councils Hackney Carriage and Private Hire Licensing Policy. Furthermore, on two occasions in the last 18 months the driver failed to present the Private Hire vehicle for inspection as required under section (50)1 Local Government (Miscellaneous provisions) Act 1976, within the required time.

RECOMMENDATIONS

1. That members take note of the information in the report and determine the appropriate action based on the options set out in section 5.9, having heard from the licence holder.

RELATIONSHIP TO CORPORATE PLAN

1. The licensing Authority has a responsibility to ensure Public Safety and ensure the licensing objectives are being met.

FINANCIAL, LEGAL AND RISK ASSESSMENT IMPLICATIONS

Any financial, legal and/or risk assessment implications are set out below:

Financial	Depending on the decision there may be a right of appeal to the Magistrates' Court, which, potentially, could involve the Council in costs if any appeal is successful.
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Legal	The decision must be lawful.
Risk Assessment	The risk of costs in an appeal situation should be balanced against the risks to the public of licensing a person who fails to comply with the Policy.

1.0 INTRODUCTION

- 1.1 Drivers of hackney carriages and private hire vehicles are licensed under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This Council issues a joint licence, which enables them to drive both hackney carriages and private hire vehicles.
- 1.2 The Council is not permitted to grant a licence unless it is satisfied that the applicant is a 'fit and proper person' (Local Government (Miscellaneous Provisions) Act 1976 Sections 51(a) and 59(a)) and takes a number of steps to establish that applicants and existing drivers are such persons.
- 1.3 The Authority has adopted a Hackney Carriage and Private Hire Policy; the most recent version came into effect on 29 February 2016. The policy provides the framework for the administration of the service and is available online via the following link: <https://www.middevon.gov.uk/media/205685/hackney-carriage-private-hire-policy-2016-final.pdf> and we urge all drivers, proprietors and operators to become familiar with it.

2.0 COMPLIANCE HISTORY OF APPLICANT AND LATE DOCUMENTS

- 2.1 The Licence Holder, Ms Nina Fajardo, has held her current Hackney Carriage / Private Hire Drivers licence with Mid Devon District Council since 28 October 2010. It should be noted that it was necessary for her to submit a "New" application in October 2015 as she had allowed her existing licence to expire prior to submitting her renewal application.
- 2.2 Ms Fajardo has held a licence with Mid Devon District Council since October 2010. Since holding a licence we have received one complaint about her conduct from a member of the public following an incident on 17 March 2016. However, with no independent witnesses to the incident it was not felt necessary or appropriate to take further action against Ms Fajardo at the time. She has always liaised with members of the licensing team in a polite and courteous manner.
- 2.3 On 18 June 2015 the Taxi Test for the vehicle LB54 TYA was submitted to the licensing team. This Test was due on 18 March 2015 but the test was not carried out until 18 June 2015. The Taxi Test certificate and a letter from the licensing team reminding Ms Fajardo that the test needs to be carried out every 6 months are attached as **Annex 1**.
- 2.4 This is an offence under section 50 (1) of the Local Government Miscellaneous Provisions Act 1976. The offence carries a maximum level 3 fine of £1000.
- 2.5 In October 2015 the licensing team contacted Ms Fajardo by letter as her Private hire Operator's Licence had expired on 30 September 2015. Ms Fajardo wrote a letter

explaining the circumstances for the lapse of the licence and this letter is attached as **Annex 2**.

- 2.6 At the same time it also became evident that Ms Fajardo had failed to submit her vehicle insurance documents which were required on 1 September 2015. We did not receive the documentation until 11 September 2015, however it should be noted that the vehicle remained insured throughout the period concerned. Her response to the late insurance document is attached as **Annex 3**.
- 2.7 On the 6th October 2015 the licensing Team contacted Ms Fajardo by telephone as she had failed to renew her Hackney Carriage / Private Hire Drivers licence. During the phone call she said she had not been driving a mid-Devon licenced vehicle during the period the licence had expired. As the Drivers Licence had expired Ms Fajardo had to submit an application for a new Hackney Carriage/ Private Hire Drivers Licence. (Although at the time she wanted to renew the licence). The licensing Team sent a letter to Ms Fajardo and this is attached as **Annex 4**.
- 2.8 On the 28 September 2016 the licensing Team wrote to Ms Fajardo following the late submission of the insurance documents for vehicle BF57 JXS. The insurance certificate was due on 1 September 2016 and it was received by the licensing team on 7 September 2016. Again it should be noted that the vehicle remained insured throughout the period concerned. This letter informed Ms Fajardo that enforcement action may be taken should the current situation with late documents continue. This letter and the insurance document is attached as **Annex 5**.
- 2.9 On 6th October 2016 the licensing team contacted Ms Fajardo about the late submission of a taxi test document for vehicle BF57 JXS. The Taxi test was due on 1 October 2016 but it was not carried out until the 4th October 2016. This taxi test certificate and subsequent email from Ms Fajardo is attached as **Annex 6**.
- 2.10 Again this is an offence under section 50 (1) of the Local Government Miscellaneous Provisions Act 1976. The offence carries a maximum level 3 fine of £1000.
- 2.11 The Licensing Team contacted Ms Fajardo on 10 October 2016 by email to explain that as a result of the continued late documents, the matter would be referred to a regulatory sub-committee. The email to Ms Fajardo and her response is attached as **Annex 7**.

3.0 SUMMARY

- 3.1 As a result of the above Ms Fajardo has received written and verbal advice about failing to submit documents on time. To date the Licensing team had has cause to contact Ms Fajardo on 5 separate occasions during the last 18 months to request documentation. With this in mind, The Licensing Team asked Ms Fajardo to submit written information about how she can improve the current situation with regards to submitting late documents.
- 3.2 On 24th October 2016 the licensing team received an email from Ms Fajardo explaining how she intends to prevent further failings in submitting documentation to us in a timely manner in the future. This statement is included as **Annex 8**.

4.0 ADOPTED GUIDELINES

- 4.1 The Authority has adopted a Hackney Carriage and Private Hire Policy; the most recent version came into effect on 29 February 2016. The policy provides the

framework for the administration of the service the policy is available online via the following link:-<https://www.middevon.gov.uk/media/205685/hackney-carriage-private-hire-policy-2016-final.pdf> and a copy will be available at the hearing.

4.2 This Council's current Policy requires that:-

- Vehicles are regularly tested at an authorised and accredited garage to ensure that they meet the criteria which is required to ensure public safety.
- Vehicles more than 3 years old need to be tested every six months.
- Documentation relating to taxi tests must be submitted to the licensing team for administration when required or requested.
- Vehicle insurance needs to be continuous and documentation submitted to the licensing team for administration when required or requested.
- Applications for driver licence renewals should be received a minimum of 7 days before the expiry of the licence.
- Applications for Private Hire Operator licence renewals should be received before the expiry of the licence.

4.3 Section 6.1.3 of the policy relates to Hackney and Private Hire vehicles. The following section of the Policy should be noted:-

"The reminder service that the Council operates is not a statutory requirement. Failing to receive a reminder is not a valid reason for not renewing a licence in time or supplying the Council with a required document".

5.0 DECISION-MAKING

5.1 The right to a fair hearing is of fundamental importance and consideration should be given if the hearing, or part of the hearing, needs to be heard in private. Reasons should be given for such a decision and if issues arise on the day the Legal Advisor will give Members appropriate advice.

5.2 In order to ensure that the licence holder receives a full and fair hearing they have been sent a copy of this report prior to the hearing taking place. They are therefore aware of the information against them and have the opportunity to speak, or be represented, in order to answer the case.

5.3 Members are required to make a decision that is proportionate and based on the merits of the case, considering the information as set out in this report and gained on the day of the hearing.

5.4 Ultimately, members must decide whether or not, in light of the information before them, the licence holder is 'fit and proper'.

5.5 Whilst there is no judicially approved test for assessing whether or not a driver is fit and proper, Members may find the following question useful:

'Do members feel confident that the Licence holder can provide the Licensing Team with documents on time in future?'

5.6 If the answer is yes then it is an indication that the person remains fit and proper. If the answer is no then it is an indication that the person is no longer fit and proper.

5.7 Members are reminded that the overarching duty of the licensing authority is to ensure that the public are kept safe and the vehicles are safe.

5.8 Members should withdraw to make their decision, having heard the Licence Holder make her case. It is necessary for local authorities to balance their duties to the public against their duties to the drivers they licence and such decisions can be difficult. Above all, the decision must be made on its individual merits, and in the interests of public safety.

5.9 Members may:

- Take no action
- Issue a warning as to future conduct
- Suspend the Hackney / Private Hire Drivers Licence for a period of time
- Revoke the Hackney / Private Hire Drivers Licence
- Suspend the Private Hire Vehicle Licence for a period of time
- Revoke the Private Hire Vehicle Licence

5.10 Members are asked to make a decision that is proportionate and based on the merits of the case. It is evident that this driver has had difficulty in submitting documents in accordance with the policy.

6.0 RECOMMENDATION

6.1 In light of the information in this report and in consideration of what the licence holder states at the hearing the sub-committee should decide whether or not the licence holder continues to be suitable to hold a licence. Put simply, will she be able to provide the Licensing Team with documents on time in future. This is a specific question as there does not appear to be any other concerns in relation to her suitability to hold a licence.

7.0 TIMESCALE AND RIGHT OF APPEAL

7.1 Members are asked to make their decision on the day of the hearing and give accompanying reasons for this decision. Reasons are very important and must be sufficiently clear to enable the applicant to exercise their right of appeal.

7.2 The applicant has a right of appeal to the Magistrates' Court within 21 days of formal notification of the decision should either the Hackney / Private Hire drivers licence or Private Hire vehicle licence be suspended or revoked.

ANNEXES TO REPORT

- ANNEX 1: Test Certificate for Vehicle LB54 TYA and letter to Ms Fajardo.
- ANNEX 2: Letter from the licensing Team following the expiry of Ms Fajardo's Operators Licence and Ms Fajardo's response
- ANNEX 3: Letter from Ms Fajardo in response to late insurance documentation
- ANNEX 4: Letter to Ms Fajardo about failing to renew her Private Hire / Hackney drivers licence.
- ANNEX 5: Letter from the licensing team following late submission of insurance documents.
- ANNEX 6: Taxi Test certificates for vehicle BF57 JXS and supporting letter from Ms Fajardo.

- ANNEX 7: Email to Ms Fajardo and her response.
- ANNEX 8: Supporting statement received via email from Ms Fajardo.

Contact for any more information	Jackie Taylor – 01884 244619 Thomas Keating – 01884 244618
Background Papers	LGMP Act 1976 MDDC HC & PH Licensing Policy 2016
File Reference	Licensing / taxis / driver / hearings
Circulation of the Report	Applicant / Sub-Committee



Ms. N Fajardo
10 Derick Road
Tiverton
Devon
EX16 5AB

Public Health
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Our
Ref:Jt/Tk

Telephone 01884 244619
Email: jtaylor@middevon.gov.uk
DX: 49011 (Tiverton)

3 July 2015

Dear Ms. Fajardo

We recently received a Taxi Test Inspection Report from you with reference the Blue Kia Cerato registration number LB54 TYA.

From our records I have noticed that this inspection was due on 18 March 2015. It is specified within the terms of your license that the vehicle needs to be tested twice a year, every six months and a report submitted to us.

As the test and the report was late the vehicle will need to be tested again on 18 September 2015 as this will then ensure that the vehicle will have been presented for both of the tests within the year.

Yours sincerely,

J. Taylor
Licensing Officer
Mid Devon District Council

Details entered: 22 June 2015 at 15:32 by Jacqueline Taylor
Date requested:
Date received: 18/06/2015

Reason for Test: Renewal

Result of Test: Pass
Testing Centre: O & B Vehicle Solutions
Date commences: 18/06/2015

Result Date:
Number:
Date expires: 18/09/2015

Notes:



Licensing Department, Phoenix House, Phoenix Lane, Tiverton, Devon,
EX16 6PP. Tel: 01884 244617/8/9 Email: licensing@middevon.gov.uk

HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE INSPECTION RECORD

Vehicle make: KIA	Vehicle model: Cerao	Reg No. LB54 TYA
Specify if the vehicle is a private hire or hackney carriage:		
Plate No. 267	Engine cc: 1600	Mileage: 120488
Colour: BLUE	No. of passenger seats: 4	Date of test: 18/6/2015
Name of vehicle owner: Nina Fagnano		

If any of the following testable items fail, you must inform the Mid Devon District Council Licensing Team immediately.

Does the vehicle meet at least the pass standards set out in the VOSA publication 'The MOT Inspection Manual - Car and Light Commercial Vehicle Testing' (ISBN 0-9549239-0-1)?			<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Testable item & sub section reference no. for inspection standards manual	Pass	Fail	Testable item & sub section reference no. for inspection standards manual	Pass	Fail
Electrical Wiring and Equipment (1.9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Exhaust System (7.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Additional Lamps (1.9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fuel System - Pipes & Tanks (7.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steering Control - Steering Wheel (2.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mirrors and view to rear (8.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steering Control - Steering Column (2.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Windscreen - View to the Front (8.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Suspension Spring Units & Unlaga (2.4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Window Glass or Other Transparent Material (8.5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tyres and Road Wheels (4.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmission (10.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Body and Condition - Exterior (6.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oil Leaks (10.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Body, Security & Condition - Interior (6.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Luggage / Load Space (10.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bumper Bars (6.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MDDC Licence Plates (10.4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doors and Seats (6.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trailers & Towbars (10.5)	N/A	
NOTE: ADDITIONAL LAMPS (1.9) - ONLY HACKNEY CARRIAGE VEHICLES WILL HAVE 'FOR HIRE' ROOF SIGNS			Wheelchair Restraint & Access Equipment (11.1)	N/A	

PTO

Details entered: 22 June 2015 at 15:32 by Jacqueline Taylor

Date requested:

Date received: 18/06/2015

Reason for Test: Renewal

Result of Test: Pass

Testing Centre: O & B Vehicle Solutions

Date commences: 18/06/2015

Result Date:

Number:

Date expires: 18/09/2015

Notes:

Additional Information (for example, reasons for any failures):

- (A) REAR TYRES BECOMING LOW
- (A) LOOSE ENGINE MOUNTS WHEN
- (A) POWER STEERING PIPE HAS MINOR LEAK
- (A) SCREAM TO ROOF OF REAR
- (A) MINOR SCRATCHES TO N/S/R BUMPER

Declaration

I am an authorised Department of Transport Tester/Inspector and I have carried out a vehicle test on this vehicle. The vehicle has (circle the result):

PASSED / FAILED

Signed:

[Signature]

Name in BLOCK CAPITALS:

O. R. MATTHEWS

Name of Garage:

O & B Vehicle Solutions
Woodland Road, Broomfield, Exeter
Devon EX4 6 5HJ
01392 257474

Authentication Stamp:

O & B Vehicle Solutions
Woodland Road, Broomfield, Exeter
Devon EX4 6 5HJ
01392 257474

FOR ADVICE ON ANY OF THE ABOVE PLEASE CONTACT MID DEVON DISTRICT COUNCIL LICENSING TEAM

Reference Document: 'Mid Devon District Council Licensed Vehicle Testing Standard, 2013'

Details entered: 18 September 2015 at 14:48 by Tom Keating
Date requested:
Date received: 18/09/2015

Result:
Name:
Date commences:

Reason:

Result Date:
Number:
Date expires:

Notes:

Annex 2

Ms N Fajardo
10 Derick Road
Tiverton
Devon
EX16 5AB



Licensing Department
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
Tel. 01884 244617/18/19/46
Fax. 01884 234256

Your Ref: TK/NF2

Date: 18/09/2015

My Ref: TK/NF2

Contact: Tom Keating

Dear Ms Fajardo

Thank you for your letter dated 11 September 2015. Firstly, I just wish to clarify the point you make about now having only one vehicle to maintain. According to our records, you currently licence two vehicles. The details of these are:

- PV0253 – Registration BF57 JXS
- PV0267 – Registration LB54 TYA

If this is incorrect please can you contact us so we can update our records accordingly?
This can be done via email – licensing@middevon.gov.uk.

With regards to the submission of documents I will just set out the following two occurrences of recent late submissions.

- The Private Hire Operator licence you previously held expired on 31 August 2015. You did not submit the renewal application until 4 September 2015. It was subsequently processed as a 'new' application.
- Vehicle insurance documents were required on 1 September 2015 but these were not submitted until 11 September 2015 (it is noted that the vehicles were insured during this time).

Your letter states that you are on a learning curve and although I appreciate running your own operation requires a lot of work, I would point out that we send out reminders for all required documents in advance. I would therefore urge you to look at your processes and

Telephone (Main Switchboard): 01884 255255
DX: 48011 (Tiverton)

To contact your local Councillor on any matter, his/her name and address can be obtained from Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP, by telephone 01884 255255 or from our website at www.middevon.gov.uk

Details entered: 18 September 2015 at 14:48 by Tom Keating
Date requested:
Date received: 18/09/2015

Reason:

Result:
Name:
Date commences:

Result Date:
Number:
Date expires:

Notes:

find a way to action things in time. If at any point you are unlikely to meet a deadline (with valid reasons) you must contact us in advance of the deadline passing.

Please be aware that a copy of this letter will be kept on file and if any future documents are received late it is likely the matter will be referred to a Sub-Committee. The Sub-Committee is made up of three elected members and they essentially are briefed on what has occurred (i.e. submission of late documents). You are then given the opportunity to explain to them the reasons for this and they can then decide on a course of action. This can include no action, a warning, suspension or even revocation of the licence.

Our concerns lie solely with your ability to organise the paperwork side of your business and as such we sincerely hope you can get a handle on this in order to avoid future action being taken.

If you have any questions about the above, please do not hesitate to contact me.

Yours sincerely



Tom Keating
Lead Licensing Officer
Mid Devon District Officer

Telephone (Main Switchboard): 01894 255255
DX: 49011 (Tiverton)

To contact your local Councilor on any matter, his/her name and address can be obtained from Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP, by telephone (01894) 255255 or from our website at www.middevon.gov.uk

Details entered: 9 September 2015 at 10:31 by Vicky Limb

Date requested:

Date received: 09/09/2015

Reason:

Result:

Name:

Date commences:

Result Date:

Number:

Date expires:

Notes:



T Kording

10 DERICK RD
TIVERTON
EX16 5AB

Dear Tom,

I have sent my
e mail twice but it keeps
being returned to me.

This is to inform
you that the 3 day delay in
renewing my operators licence
was due to finances.

As a children's trans-
porter I havent had much
trade over the school
holidays, plus, I'm still
waiting for last months
cheque from County which was
due on the 22 August.

Sorry for any inconvenience
caused.

Yours truthfully

Nina Fajardo (Kidego)

Details entered: 15 September 2015 at 10:14 by Vicky Limb
Date requested:
Date received: 15/09/2015

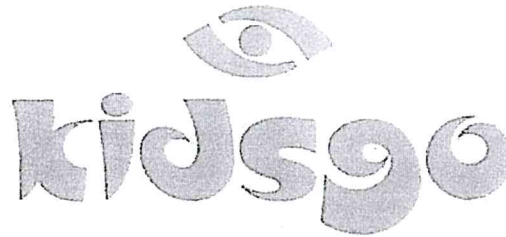
Reason:

Annex 3

Result:
Name:
Date commences:

Result Date:
Number:
Date expires:

Notes:



Children's Transportation Service®

10 Derick Road

Tiverton

EX16 5AB

11/09/15

Dear Tom, please find enclosed my insurance documents. I am aware that I am late yet again in submitting these documents. It should have been 1/9/15.

I am aware from the letter that there can be severe consequences for late submission of documents and will anticipate consequences in due course.

I am truly sorry for what appears to be poor practice in my administration but I have only been an operator for a year and am still very much on a learning curve, it seems to have been a succession of tests etc and as such is a struggle for someone whose child care/driving skills far outweigh my office skills but I believe I am on top of it now, especially as I am back to having just one vehicle to maintain, which is booked in for testing on the 1/10.

I am due to send you an access code as from 16/9 to view my DVLA licence.

My HC/PH licence is up for renewal on 30/9.

Again, I am truly sorry for the delay and any inconvenience caused and would hope that you understand that I, in no way, mean to undermine the protocols in place to protect the integrity of the licencing system,

Yours truthfully,

Nina Fajardo, 10 Derick Road, Tiverton, Devon EX16 5AB - Tel: 07735 964 263
Email: kidsgo@hotmail.co.uk - www.kidsgo.co.uk

Details entered: 12 October 2015 at 16:27 by Vicky Limb
 Date requested:
 Date received: 12/10/2015

Reason:

Result:
 Name:
 Date commences:

Result Date:
 Number:
 Date expires:

Notes:



Ms N Fajardo
 10 Derick Road
 Tiverton
 Devon
 EX16 5AB

Licensing Department
 Phoenix House
 Phoenix Lane
 Tiverton
 Devon
 EX16 6PP

Tel. 01884 244617/18/19/46
 Fax. 01884 234256

Email: licensing@middevon.gov.uk
www.middevon.gov.uk

Your Ref: TK/NF3

Date: 12/10/2015

My Ref: TK/NF3

Contact: Tom Keating

Dear Ms Fajardo

Hackney Carriage / Private Hire Driver Licence

Following our telephone conversation on 6 October 2015 please find a summary of the current situation below. I am sorry this letter was not sent sooner but I have been away from work.

Mid Devon District Council have recently sent you two separate letters concerning late documents you have submitted. In response to one of these letters you replied in writing (dated 11 September 2015), confirming that you were aware of the fact that your hackney carriage / private hire driver licence expired at the end of September 2015. Furthermore, although not a statutory requirement, we also sent you a letter in early September to remind you that this licence was expiring.

This licence was not renewed and I subsequently phoned you on 6 October 2015 to make sure you had stopped working as a licensed driver. During this call you confirmed that you had not been working and that as a result of finances, you had been unable to renew your licence.

You asked if it was possible to renew your licence at this stage and I explained that we could not. As a result of case law we may only consider renewing a licence when an application is one or two days late and the circumstances for the delay are exceptional i.e. medical emergency. Your situation does not apply to these exceptional type events and the fact you failed to contact us prior to expiry compounds matters further.

As discussed in our conversation and repeated hear for the avoidance of doubt, you are unable to drive vehicles licensed with Mid Devon District Council as either hackney

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 DX: 49011 (Tiverton)

To contact your local Councillor on any matter, his/her name and address can be obtained from Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP, by telephone (01884) 255255 or from our website at www.middevon.gov.uk

Details entered: 12 October 2015 at 16:27 by Vicky Limb

Date requested:

Date received: 12/10/2015

Reason:

Result:

Name:

Date commences:

Result Date:

Number:

Date expires:

Notes:

carriages or private hires. Furthermore, if you wish to re-apply this must be as a new applicant, fulfilling the requirements of the new application process. The only exception is potentially the DSA test, assuming you have previously taken it.

I have enclosed an application to transfer the interest of a licensed vehicle should you wish to do so.

If you have any questions about the above, please do not hesitate to contact me.

Yours sincerely



Tom Keating
Lead Licensing Officer
Mid Devon District Officer

Telephone (Main Switchboard): 01884 255255
DX: 49011 (Tiverton)

To contact your local Councillor on any matter, his/her name and address can be obtained from Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP, by telephone (01884) 255255 or from our website at www.middevon.gov.uk

Details entered: 29 September 2016 at 10:38 by Kara Ball
Date requested:
Date received:

Reason:

Result:
Name:
Date commences:

Result Date:
Number:
Date expires:

Notes:



Ms N Fajardo
10 Derrick Road
Tiverton
Devon
EX16 5AB

Public Health
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk
licensing@middevon.gov.uk
01884 255255

Our Ref: Licensing / late document
Date: 28/09/16

Email:
Telephone:

Dear Ms Fajardo

Late document: Insurance Document for BF57 JXS

We are writing to you in relation to the submission on the above document which was due on 01/09/2016. The document was received by the licensing team on 07/09/2016 and was therefore late.

It is vital that documents are submitted on time. It allows the licensing team to ensure that you are operating lawfully and is ultimately a requirement of our policy. To this end, you can always ring the licensing team to check when a document is due or alternatively, explain in advance why a document may be late. Ultimately, the onus is on you to provide us with documents on time. Although we send reminders out this is not something we are required to do and should not be the only way in which you remember to supply us with documents.

On this occasion we believe it is necessary to issue you with a warning as to the future submission of documents. We ask that you take this opportunity to review how you deal with documents and put measures in place to ensure documents are submitted on time in the future.

We sincerely hope that there are no other issues with late documents in the future as this may result in enforcement action. If we can be of any assistance please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tom Keating".

Tom Keating
Lead Licensing Officer
Mid Devon District Council

Requests for alternative formats will be considered on an individual basis.
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

To contact your local Councillor, his/her name and address can be obtained by visiting our website or telephoning Customer First on 01884 255255

Details entered: 7 September 2016 at 17:11 by Tom Keating
Date requested:
Date received:

Reason for Ins:

Valid Certificate: Received
Insurer: RSA
Date commences: 02/09/2016

Result Date:
Cert No.:
Date expires: 01/09/2017

Notes:

**IMPORTANT
THESE NOTES
ARE FOR YOUR
GUIDANCE**

To ensure full protection under your policy it is essential to notify your broker of any change to the details previously supplied such as:

(a) Change of address, occupation, vehicle(s) declared or use of your car/vehicle.

(b) The drivers covered (especially the inclusion of any person under 21 years of age.)

(c) Motoring convictions and/or summons pending/accidents/physical condition of any person likely to drive.

WARNING

It is an offence if any person for the purpose of obtaining the grant of any license to himself/herself or any other person knowingly makes any false statement, or for the purpose of obtaining the issue of a certificate of insurance or of a certificate of security under the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey and the Island of Alderney, makes any false statement or withholds any material information.

If you wish to cancel the policy you must return the certificate. If this certificate refers to a specific vehicle and you are replacing your vehicle, this certificate must be returned to your broker.

CERTIFICATE OF MOTOR INSURANCE

Certificate no. RTT99265/000000153



1. Description of vehicles
Registration mark: BF57JXS
2. Name of Policyholder
Mrs Nina Fajardo
3. Effective date of the commencement of insurance for the purposes of the relevant law.
02/09/2016 at 00:00
4. Date of expiry of insurance.
01/09/2017 at 00:00
5. Persons or Classes of Persons entitled to drive **INSURED AND NAMED**
Named Driver: Mrs Nina Fajardo
Named Driver: Mrs Angharad Bala-Williams
6. Limitations as to use
For social, domestic and pleasure purposes and in connection with the Policyholder's business including carriage of passengers for private hire.

The policy does not cover -

Use for racing, pace-making, speed testing, rallies, trials or competition, or use for hire or reward (other than private hire which shall mean the letting of the vehicle supplied to the hirer direct from the Policyholder's garage).

I hereby certify that the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Guernsey, the Island of Jersey and the Island of Alderney.

Steve Lewis
Chief Executive, UK & Western Europe
Royal & Sun Alliance Insurance plc
Authorised Insurer

Note: For full details of the insurance cover reference should be made to the policy,

**ADVICE TO THIRD PARTIES - NOTHING CONTAINED IN THIS CERTIFICATE
AFFECTS YOUR RIGHTS AS A THIRD PARTY TO MAKE A CLAIM.**

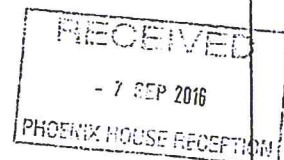
**"THIS CERTIFICATE OF MOTOR INSURANCE HAS BEEN PREPARED ON A
LASER PRINTER AND IS NOT VALID IF IT HAS BEEN ALTERED IN ANYWAY"**

Suspension or Termination

If for any reason the insurance is suspended or terminated during its currency the certificate must be returned to the insurer. Failure to comply with this obligation is an offence under the Road Traffic Acts.

Windscreen Repair or Replacement Service:

You will need to show your Certificate of Motor Insurance to the supplier. There is a £60 policy excess.



Royal & Sun Alliance Insurance plc (No. 93792) Registered in England and Wales at St Mark's Court, Chart Way, Horsham, West Sussex, RH12 1XL. Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority.
DC:RTCERTRSA V1.0 01/03/15
01/09/2016RT

Details entered: 4 October 2016 at 16:01 by Vicky Limb
 Date requested:
 Date received: 04/10/2016

Reason for Test:

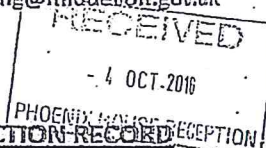
Result of Test: Pass
 Testing Centre: West Exe Motors
 Date commences: 04/10/2016

Result Date:
 Number:
 Date expires: 04/04/2017

Notes:



Licensing Department, Phoenix House, Phoenix Lane, Tiverton, Devon,
 EX16 6PP. Tel: 01884 244617/6/9 Email: licensing@middevon.gov.uk



HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE INSPECTION RECORD

Vehicle make: FORD	Vehicle model Galaxy	Reg No: BF57JXS
Specify if the vehicle is a private hire or hackney carriage: Private		
Plate No. 253	Engine cc: 1997	Mileage: 211598
Colour: Silver	No. of passenger seats: 6	Date of test October 4 th 2016
Name of vehicle owner: Fajardo		

If any of the following testable items fail, you must inform the Mid Devon District Council Licensing Team immediately.

Does the vehicle meet at least the pass standards set out in the VOSA publication 'The MOT Inspection Manual – Car and Light Commercial Vehicle Testing' ISBN 0-9549239-0-1?			<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Testable item & sub section reference no. for inspection standards manual	Pass	Fail	Testable item & sub section reference no. for inspection standards manual	Pass	Fail
Electrical Wiring and Equipment (1.9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Exhaust System (7.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Additional Lamps (1.9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fuel System – Pipes & Tanks (7.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steering Control – Steering Wheel (2.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mirrors and view to rear (8.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steering Control – Steering Column (2.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Windscreen – View to the Front (8.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Suspension Spring Units & Linkage (2.4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Window Glass or Other Transparent Material (8.5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tyres and Road Wheels (4.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transmission (10.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Body and Condition – Exterior (6.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Oil Leaks (10.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicle Body, Security & Condition – Interior (6.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Luggage / Load Space (10.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bumper Bars (6.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MDDC Licence Plates (10.4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Doors and Seats (6.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Trailers & Towbars (10.5)	<input type="checkbox"/>	<input type="checkbox"/>
NOTE: ADDITIONAL LAMPS (1.9) – ONLY HACKNEY CARRIAGE VEHICLES WILL HAVE 'FOR HIRE' ROOF SIGNS			Wheelchair Restraint & Access Equipment (11.1)	<input type="checkbox"/>	<input type="checkbox"/>

PTO

Details entered: 4 October 2016 at 16:01 by Vicky Limb
 Date requested:
 Date received: 04/10/2016
 Result of Test: Pass
 Testing Centre: West Exe Motors
 Date commences: 04/10/2016

Reason for Test:

Result Date:
 Number:
 Date expires: 04/04/2017

Notes:

Additional Information (for example, reasons for any failures):

Declaration

I am an authorised Department of Transport Tester/Inspector and I have carried out a vehicle test on this vehicle. The vehicle has (circle the result):

PASSED / FAILED

Signed:

[Signature]

Name in BLOCK CAPITALS:

K. B. KERSHAW

Name of Garage:



West Exe Motors Ltd
 Tiverton, Devon
 EX16 6SW
 Tel: (01884) 252170
 Vat Reg No. 384 9335 14

Authentication Stamp:



West Exe Motors Ltd
 Tiverton, Devon
 Tel: (01884) 252170
 Vat Reg No. 384 9335 14

FOR ADVICE ON ANY OF THE ABOVE PLEASE CONTACT MID DEVON DISTRICT COUNCIL LICENSING TEAM

Reference Document: 'Mid Devon District Council Licensed Vehicle Testing Standard, 2013'

Thomas Keating

From: Licensing
Sent: 07 October 2016 14:48
To: Thomas Keating
Subject: FW: MOT

From: Nina Fajardo [<mailto:nina.fajardo@btinternet.com>]
Sent: 07 October 2016 13:25
To: Licensing
Subject: MOT

Dear Tom, with regard to our conversation yesterday regarding my MOT.

I have spoken to Ben this morning.

The vehicle was taken off road on Friday 30 th September for BFM Autoservices to prepare it for servicing, MOT and taxi test. The vehicle was taken to West Exe Motors on Monday but they were unable to test it until Tuesday when it passed with no advisories. The paperwork was submitted on the same day.

It seems the MOT expired on 7/10/16 and the Taxi test on 1/10/16 (six calender months)

Sorry for any inconvenience, I will await your response,

Yours truthfully, Nina Fajardo

Jacqueline Taylor

From: Thomas Keating
Sent: 10 October 2016 12:26
To: 'nina.fajardo@btinternet.com'
Cc: Jacqueline Taylor; Licensing
Subject: RE: MOT

Dear Nina

Thank you for your email. As discussed last week, I have now had a chance to look through and review your recent history and we do have concerns regarding the submission of late documents. I note the following:

- 1) LB54 TYA – Taxi test was due 18/03/2015 but was not completed until 18/06/2015.
- 2) Private Hire Operator licence expired 31/08/2015 and an application to renew was submitted on 04/09/2015 (it was subsequently processed as a 'new').
- 3) Vehicle insurance documents for LB54 TYA and BF57 JXS were due 01/09/2015 but were not submitted until 11/09/2015.
- 4) Your Hackney Carriage / Private Hire Drivers licence was due for renewal 30/09/2015. You failed to renew and asked if you could do so on 06/10/2015 (you subsequently applied as a 'new').
- 5) Vehicle insurance document was due for BF57 JXS on 01/09/2016 but not received until 07/09/2016.
- 6) A Taxi Test was due for BF57 JXS on 01/10/2016 but was not received until 04/10/2016.

There have been a number of documents submitted late in a relatively short period of time. You have previously been sent letters pointing this out and also warning you as to actions that may follow, should problems occur in the future. These letters have failed to have a positive impact and as a result, we are now at a point where the matter needs to be referred to a licensing sub-committee. They will essentially be presented with all of the information and decide whether or not you remain fit and proper to hold the licences that you currently hold.

The case officer dealing with this now is Jackie Taylor and she will be in touch with you shortly with further details.

Kind regards

Tom Keating / Lead Licensing Officer
Public Health Services
Mid Devon District Council
Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP
Telephone: 01884 255255
Email: licensing@middevon.gov.uk
Web: www.middevon.gov.uk

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Sorry for any inconvenience, I will await your response,

Yours truthfully, Nina Fajardo

Jacqueline Taylor

From: Nina Fajardo <nina.fajardo@icloud.com>
Sent: 24 October 2016 14:42
To: Jacqueline Taylor
Subject: Hearing

Good afternoon Jacquie, please find below the supporting statement from myself, I haven't got office at the moment so I've had to use email instead.

I hope it is adequate, think I wrote too much on the first draft, hopefully it will allow for discussion.

I have been asked to submit proposals as to how I intend to remedy my late submission of documentation which has lead to this hearing.

My background has been working with children and young people for most of the last 25 years, both in the public and private sectors.

It was in 2010, my ex husband was out of the country, my little boy was ill and I needed to get my 8 year old daughter to her ballet class. I felt traditional taxis were not an option to transport my unaccompanied child. I decided to use my experiences as a trained close protection officer and team leader at a cognitive behavioural unit to create a system for the safe transport of vulnerable children.

My service known as 'Kidsgo' was in operation until August. There have been personal challenges, but largely because several of my passengers have moved to High School or moved away, I decided not to renew my Operators Licence.

To reassure the Panel regarding my poor administration skills, all further paperwork regarding my vehicle etc has been taken over by BFMTaxis.

I would like to point out that the Licensing Team have been more than patient and supportive with me regarding my failings. I would like to take the opportunity to thank them for that and apologise to the Panel for the disruption their attendance at this hearing may have caused.

I hope the hearing will reassure those present that I have a high regard for the integrity of the licensing system in Mid Devon and that I consider myself to be an upstanding member of the community who is worthy of retaining my licence,

Nina Fajardo

