

Regulation and Review Committee Panel

13 October 2016

Present: Councillor John Hunter (Deputy Chair)
Councillor D McMeekan, T Mulvenna, J O'Shea and L Spillard.

RQ15/10/16 Apologies for Absence

No apologies for absence were received.

RQ16/10/16 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ17/10/16 Exclusion Resolution

Resolved that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ18/10/16 Combined Hackney Carriage/Private Hire Driver's Licence Appeal – Mr S

The committee considered a report by the Senior Client Manager, Technical Services which outlined the background to an appeal against the refusal of the licensing section to grant Mr S a combined hackney carriage/private hire driver's licence as it was not satisfied that he was a fit and proper person to hold such a licence.

Mr S was present at the meeting, accompanied by his representative, Mr W.

A licensing officer presented the report to the committee which included information on the application, that he had passed the knowledge test and met the medical standard. The report also detailed the results of Mr S's disclosure certificate which had been received from the Disclosure and Barring Service and additional information received from Northumbria Police and the authority's safeguarding team.

Mr S and his representative were given the opportunity to ask questions of the licensing officer.

Members asked questions of the licensing officer.

Mr W then addressed the committee in support of Mr S's application and referred to the letters of support from professionals. In addition Mr S answered questions from Members.

Following a summing up from the licensing officer and Mr W, all parties left the meeting to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- Uphold the appeal and agree to grant the licence; or
- Dismiss the appeal and refuse to issue the licence.

In determining its response the committee had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which made reference to convictions, cautions, conduct and medical fitness.

Resolved that (1) the appeal be upheld; and
(2) Mr S be granted a combined hackney carriage/private hire driver's licence as due to the particular circumstances of the case he was considered to be a fit and proper person to hold a licence.

RQ19/10/16 Combined Hackney Carriage/Private Hire Driver's Licence Appeal - Mr M

The committee considered a report by the Senior Client Manager, Technical Services which outlined the background to an appeal against the refusal of the licensing section to grant Mr M a combined hackney carriage/private hire driver's licence as it was not satisfied that he was a fit and proper person to hold such a licence.

Mr M was present at the meeting, accompanied by his representative, Mr H.

A licensing officer presented the report to the committee which included information on the application and the results of Mr M's disclosure certificate which had been received from the Disclosure and Barring Service.

Mr H and Mr M were given the opportunity to ask questions of the licensing officer.

Members asked questions of the licensing officer.

Mr H then addressed the committee in support of Mr M's application and answered questions from Members. Mr M also answered questions.

Following a summing up from the licensing officer and Mr H, all parties left the meeting to enable consideration of the matter to be undertaken in private.

The options available to the committee were to:

- Uphold the appeal and agree to grant the licence; or
- Dismiss the appeal and refuse to issue the licence.

In determining its response the committee had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which made reference to convictions, cautions, conduct and medical fitness.

Resolved that (1) the appeal be upheld; and
(2) Mr M be granted a combined hackney carriage/private hire driver's licence as due to the particular circumstances of the case he was considered to be a fit and proper person to hold a licence.

RQ20/10/16 Combined Hackney Carriage/Private Hire Driver's Licence Referral – Mr S

The consideration of this referral by the Senior Client Manager, Technical Services had originally been scheduled for the 16 September 2016 meeting of the committee; however as Mr S had not attended the meeting, the committee had deferred its consideration to allow Mr S a second opportunity to attend the meeting (minute RQ14/9/16).

When the committee came to consider Mr S's referral it was confirmed that no communication from Mr S had been received by officers and that proper notification of the meeting had been made to Mr S with a certificate of service handed to him at 6.45pm on 6th October 2016 with a letter inviting him to the meeting and a copy of the licensing officers' report.

The committee determined to hear the case in Mr S's absence.

The licensing officer presented the report which informed the committee that Mr S had been suspended from driving on 29 June 2016 with immediate effect on the grounds of public safety as officers were no longer satisfied that he met the fitness to drive standard. Details of the circumstances of and the reasons for this decision were included in the report.

Members asked questions of the licensing officer.

The licensing officer then summed up the case and left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the committee were to: take no action; issue a warning as to the driver's future conduct; suspend the driver's licence; or revoke the driver's licence.

In determining its response the committee had regard to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular Chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

Resolved that Mr S's license be revoked as there were no mitigating factors which would warrant a departure from the Council's Hackney Carriage and Private Hire Licensing Policy in relation to the medical fitness to drive standard.