

Regulation and Review Committee Panel

26 January 2017

Present: Councillor K Osborne (Chair)
Councillor D Earley, D McMeekan, J O'Shea and Spillard.

RQ37/01/17 Apologies for Absence

No apologies for absence were received.

RQ38/01/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ39/01/17 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.

RQ40/01/17 Combined Hackney Carriage/Private Hire Driver's Licence Appeal

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

Mr H was not present at the meeting. The committee was shown a certificate of service which stated that a copy of the committee report and a letter inviting the appellant to attend the meeting had been hand delivered to his last known address. Officers also informed the committee that no communication had been received from Mr H either in regard to the appeal or to repeated attempts by the licensing team to speak to him regarding other matters.

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

A licensing officer presented the report to the committee which included information on the application which had been refused and the circumstances of the case.

Members asked questions of the licensing officer. Members noted what had been written on Mr H's appeal form.

Following a summing up from the licensing officer he left the meeting to enable consideration of the matter to be undertaken in private.

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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.

The committee's main concern was the need to maintain high standards amongst licensed drivers and to ensure the protection of the travelling public. 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 the appeal be dismissed as the committee could not be satisfied that Mr H was a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence.

RQ41/01/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral

The committee considered a report by the Senior Client Manager, Technical Services which outlined the background to a referral in respect of Mr P, the holder of a combined hackney carriage/private hire driver's licence, and whether any further disciplinary action was required and his continued suitability to carry out the duties of a licensed driver.

Mr P was not present at the meeting. The committee was shown a certificate of service which stated that a copy of the committee report and a letter inviting Mr P to attend the meeting had been hand delivered to his last know address. Officers also informed the committee that no response had been received from Mr P in relation to other earlier communication.

The Licensing Officer presented the report and informed the committee the Mr P had failed to produce a medical certificate as required by the Council's Hackney Carriage and Private Hire Licensing Policy. As repeated requests over three months for the provision of a certificate had not been acted upon, Mr P's licence had been suspended on 24 November 2016 in the interests of public safety because the Authority could not be satisfied that he was a fit and proper person to hold a licence.

Details of the circumstances of and the reasons for this decision were included in the report. No submission had been put forward by Mr P.

Members asked questions of the Licensing Officer.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

Options available to the committee were to:

- take no action;
- 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 Chapters 3 and 7 which makes reference to the medical assessment, convictions, cautions, conduct and medical fitness.

Members expressed concern that if the driver did not surrender his licence a passenger would not know that the licence had been revoked and would think he was a properly licenced driver because the expiry date printed on the badge had not been reached. Members were assured that operators would be informed that the licence had been revoked.

Resolved (1) that Mr P's combined hackney carriage/private hire driver's licence be revoked with immediate effect on the grounds of public safety as the committee could not be satisfied that he met the medical fitness to drive standard.

RQ42/01/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral

The committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral in respect of Mr W, the holder of a combined hackney carriage/private hire driver's licence, and whether any disciplinary action was required and his continued suitability to carry out the duties of a licensed driver.

It was known that Mr W would be unable to attend the meeting and an invitation to the meeting to make representations on his behalf had been sent to his partner who had indicated that she would not attend.

The Licensing Officer presented the report and informed the committee that Mr W had been convicted of an offence in November 2016 and had received a custodial sentence. Details of the circumstances of the offence and the sanctions imposed were included in the report.

No submission had been put forward by Mr W.

Members asked questions of the Licensing Officer.

Following a summing up from the Licensing Officer he left the meeting room to enable consideration of the matter to be undertaken in private.

Options available to the committee were to:

- take no action;
- 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 and 7 which makes reference to convictions, cautions, conduct and medical fitness.

Resolved that Mr W's combined hackney carriage/private hire driver's licence be revoked as the committee was not satisfied that he was a fit and proper person to hold such a licence.