

Regulation and Review Committee Panel

22 March 2017

Present: Councillor K Osborne (Chair)
Councillors P Earley, John Hunter, D McMeekan and L Spillard.

RQ60/03/17 Apologies for Absence

There were no apologies for absence received.

RQ61/03/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ62/03/17 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.

RQ63/03/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral – Mr D

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 D the holder of a combined hackney carriage/private hire driver's licence. The committee was requested to determine whether any disciplinary action was required and to assess Mr D's continued suitability to carry out the duties of a licensed driver.

Mr D and his representative Mr S attended the meeting.

The licensing officer presented the report and answered questions from Mr S and Members.

Mr S then addressed the committee on behalf of Mr D and answered questions from Members.

Following a summing up from the licensing officer and Mr S and Mr D all parties 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;
- 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.

The committee considered that it was an established principle that a licence was a privilege and not a right and took a very serious view of the behaviour outlined in the report and seriously considered all the options available to it. Having carefully considered the evidence presented at the meeting and the comments made, the committee determined that it could not be satisfied that Mr D remained a fit and proper person to hold a licence and that his combined hackney carriage and private hire driver's licence should be revoked.

Resolved that Mr D's combined hackney carriage and private hire drivers licence be revoked as the Authority could not be satisfied that he remained a fit and proper person to hold the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

RQ64/03/17 Combined Hackney Carriage/Private Hire Driver's Licence Appeal – Mr N

The committee received a report by the Senior Manager, Technical and Regulatory Services which outlined the background to an appeal by Mr N 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 N was present at the meeting accompanied by his wife and his representative, Mr W.

A licensing officer presented the report to the committee which included the information that Mr N had previously held a licence which had been revoked and that upon reapplication had successfully passed the knowledge test and the Group 2 standard medical, and had submitted a disclosure certificate from the Disclosure and Barring Service.

After the presentation, Mr W asked questions of the licensing officer to seek clarification on a number of matters.

Members then asked questions of the licensing officer.

Mr W then addressed the committee in support of Mr N's application and answered questions from Members. Mrs N also addressed the committee and Mr N answered questions.

Following a summing up from the licensing officer and Mr W and Mr N, 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.

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 N was a fit and proper person to hold a Combined Hackney Carriage/Private Hire Driver's Licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

RQ65/03/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral – Mr N

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 N the holder of a combined hackney carriage/private hire driver's licence. The committee was requested to determine whether any disciplinary action was required and to assess Mr N's continued suitability to carry out the duties of a licensed driver.

Mr N and his representative Mr W attended the meeting.

The licensing officer presented the report and answered questions from Mr W and Members.

Mr W then addressed the committee on behalf of Mr N and answered questions from Members.

Following a summing up from the licensing officer and Mr W and Mr N all parties 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;
- 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.

The committee considered that it was an established principle that a licence was a privilege and not a right and took a very serious view of the behaviour outlined in the report and seriously considered all the options available to it. Taking all that had been presented to the Committee and contained within the papers submitted to the meeting, the committee determined that Mr N should be given a warning as to his future conduct. The committee decided that on this occasion a warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

Resolved that Mr N be issued with a written warning and be reminded of the responsibilities which come with holding a combined hackney carriage and private hire drivers licence.