

## **Regulation and Review Committee Panel**

**11 May 2017**

Present: Councillor John O'Shea (Chair)  
Councillor A Arkle, D Cox, and M Madden

### **RQ77/05/17 Apologies for Absence**

Apologies were received from Cllr K Osborne.

### **RQ78/05/17 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **RQ79/05/17 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.

### **RQ80/05/17 Combined Hackney Carriage/Private Hire Driver's Licence Referral – Mr M**

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 M to consider whether the applicant is a fit and proper person to be licensed to drive a hackney carriage or private hire vehicle.

Mr M was present at the meeting.

The Licensing Officer presented the report and informed the committee that Mr M had applied for a combined hackney carriage/private hire driver's license on 10<sup>th</sup> January 2017. At the time he had disclosed that he had spent 3 years and 9 months living in Florida in the United States of America (USA).

Mr M had been informed by officers that, in accordance with Chapter 3 of the Council's Hackney Carriage and Private Hire Licensing Policy, he would be required to produce a Certificate of Good Conduct or equivalent from the USA as part of this application.

Mr M had applied for a Certificate but had informed officers that he was experiencing difficulties in obtaining the Certificate from the USA due to delays in the security process and difficulties in providing fingerprints taken in this country to the standard required by the FBI.

Mr M had an opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr M then addressed the committee.

Members asked questions of Mr M.

In response to questioning from the Committee Mr M stated that he intended to pursue the Certificate of Good Conduct and gave a commitment that, if a license was granted, he would continue to keep officers informed of progress towards this, until the Certificate could be provided.

Following a summing up from the Licensing Officer and Mr M, all parties left the meeting to enable consideration of the matter to be undertaken in private.

Options available to the committee were to: grant the license; or refuse to grant the license.

In determining the application the Committee had regard to the Council's Hackney Carriage and Private Hire Licensing Policy and in particular Chapter 8 in relation to referral matters, and Chapter 3 in relation to drivers and which refers to applicants who have spent time abroad.

**Resolved** that Mr M be granted a license as Members were satisfied, on the basis of the information submitted, that Mr M was a fit and proper person to be licensed.

**RQ81/05/17 Combined Hackney Carriage/Private Hire Driver's Licence Disciplinary Referral – Mr R**

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 R to consider whether any disciplinary action in respect of this individual's combined hackney carriage/private hire driver's license is required, and if required, to determine the appropriate action to be taken.

Officers informed the Committee that a copy of the committee report with a letter inviting Mr R to attend the meeting had been hand delivered Mr R's home address and that no communication had been received from Mr R either in regard to the appeal or to repeated attempts by the licensing team to speak Mr R regarding the incident.

Mr R was not in attendance and the Committee determined to hear the case in Mr R's absence

The Licensing Officer presented the report which outlined the background to a referral in respect of a recent conviction which resulted in Mr R being disqualified from driving. Details of the circumstances of the offence and the sanctions imposed were included in the report.

Members asked questions of the licensing officer.

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

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 the application the Committee had regard to 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 R's license be revoked as the Committee did not consider there were any mitigating factors which would warrant a departure from the Council's Hackney Carriage and Private Hire Licensing Policy in relation to this matter, and the Committee could not be satisfied that Mr R remained a fit and proper person to hold a licence.