

Regulation and Review Committee Panel

15 June 2017

Present: Councillor P Earley (Chair)
Councillor D Cox, L Spillard and T Mulvenna

RQ01/06/17 Apologies for Absence

Apologies for absence were received from Councillor John Hunter.

RQ02/06/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ03/06/17 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.

RQ04/06/17 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 relating to a complaint relating to driving standards in respect of Mr B, 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 B's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr B attended the meeting.

The Licensing Officer presented the report, which included viewing a recording of the incident, and Members of the committee asked questions.

Mr B then addressed the committee. Members of the committee asked questions of Mr B and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr B they both 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;

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- 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, section B, which makes reference to conduct.

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 and contained within the papers submitted to the meeting, the committee determined that a warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

Resolved that Mr B 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.

RQ05/06/17 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 relating to a complaint relating to a theft by Mr L, 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 L's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr L, accompanied by his pastor, attended the meeting.

The Licensing Officer presented the report and Members of the committee asked questions.

Mr L then addressed the committee. Members of the committee asked questions of Mr L and sought clarification on a number of matters. Mr L's pastor also addressed the committee in support of his parishioner.

Following a summing up from the Licensing Officer and Mr L, all parties left the meeting room to enable consideration of the matter to be undertaken by the committee 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, section B, which makes reference to conduct.

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. The committee determined that there was sufficient justification to deviate from the policy on the type of offence committed and a warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

Resolved that Mr L 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.