

# **Regulation and Review Committee Panel**

**14 September 2017**

Present: Councillor P Earley (Chair)  
Councillor D McMeekan, T Mulvenna and J O'Shea.

## **RQ32/09/17 Apologies for Absence**

No apologies for absence were received.

## **RQ33/09/17 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

## **RQ34/09/17 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.

## **RQ35/09/17 Hackney Carriage Proprietor's Licence Referral**

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral of Mr F, the holder of a hackney carriage proprietor's licence, on a disciplinary matter.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr F's continued suitability to carry out the duties of a licensed proprietor.

A Licensing Officer and Mr F, accompanied by Mr S, attended the meeting. Also in attendance was Mr CF, another licensed driver with the Authority who had been referred to the Committee for the same incident.

The Licensing Officer presented the report. During the presentation it was explained that although Mr F had been referred to the Committee for two separate matters, after receiving legal advice the Licensing Team was now only pursuing one matter.

Members of the Committee asked questions.

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

Following a summing up from the Licensing Officer and Mr F and Mr S they all 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 future use of the vehicle;
- suspend the vehicle licence; or
- revoke the vehicle licence.

In determining its response the Committee had regard to the Authority's Hackney Carriage and Private Hire Licensing Policy. The guidelines in the Policy are taken into account and in general will be followed when considering whether to issue a warning, suspend or revoke an existing licence. Chapter 2 related to Vehicles (Hackney Carriage and Private Hire).

The Committee considered that it was an established principle that a licence was a privilege and not a right 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 and having considered Mr F's explanation and his acceptance of responsibility 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 F be issued with a written warning and be reminded of the responsibilities which come with holding a hackney carriage proprietors licence.

### **RQ36/09/17 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 of Mr F, the holder of a combined hackney carriage/private hire driver's licence driver, on a disciplinary matter.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr F's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr F attended the meeting. Also in attendance was Mr TF, another licensed driver with the Authority who had been referred to the Committee for the same incident.

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

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

Following a summing up from the Licensing Officer and Mr F 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;
- 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 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 and the circumstances of the case, the Committee determined that a warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

**Resolved** that Mr F 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.

### **RQ37/09/17 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 the holder of a combined hackney carriage/private hire driver's licence driver, Mr E.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr E's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr E, accompanied by his wife, Mrs E, attended the meeting.

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

Mr E then addressed the Committee and Mrs E also spoke. Members of the Committee asked questions of Mr E and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr E, 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;
- 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 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 and the circumstances of the case, the Committee determined that nothing had been put forward by Mr E to warrant a departure from the usual policy and the repeated nature of the reason for the referral and the associated lack of compliance with two conditions of Mr E's licence meant the Committee did not believe that Mr E met the standard expected of their licensed drivers and that he was no longer a fit and proper person to hold a private hire/hackney carriage driver's licence with the Authority.

**Resolved** that Mr E's combined hackney carriage/private hire driver's licence be revoked as the Committee was no longer satisfied that he was a fit and proper person to hold such a licence.