

Regulation and Review Committee Panel

12 October 2017

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

RQ38/10/17 Apologies for Absence

No apologies for absence were received.

RQ39/10/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ40/10/17 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.

RQ41/10/17 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 private hire driver's licence, Mr T.

The Committee was requested to determine whether any disciplinary action was required and to assess Mr T's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr T attended the meeting.

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

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

Following a summing up from the Licensing Officer and Mr T, 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 which makes reference to convictions and 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 having considered Mr T'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 T be issued with a written warning and reminded of the responsibilities which come with holding a private hire driver's licence.

RQ42/10/17 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 S, 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 S's continued suitability to carry out the duties of a licensed driver.

A Licensing Officer and Mr S attended the meeting.

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

Mr S then addressed the Committee. Members of the Committee asked questions of Mr S and sought clarification on a number of matters. It was noted that a particular aspect of the matter could be made clearer with some additional information from one of the Council's partners.

Following a summing up from the Licensing Officer and Mr S 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 which makes reference to convictions, cautions and 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, the Committee determined that it did not have sufficient information to make a decision and needed further evidence in relation to the matter to be able to do so.

Resolved that Mr S's case be deferred to a future meeting to allow the Licensing Team to obtain additional written evidence from the appropriate Council partner to assist the Committee in determining its response to the case.

RQ43/10/17 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 M.

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

Mr M 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 M to attend the meeting had been hand delivered to his last known address. Officers also informed the committee that no response had been received from Mr M in relation to other earlier communication. The Committee decided to proceed in Mr M's absence.

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

No submission had been put forward by Mr M.

Following a summing up from the Licensing Officer he 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, which makes reference to convictions, cautions and 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 there were no exceptional circumstances which warranted a departure from the Policy and concluded that Mr M was no longer a fit and proper person to hold a private hire/hackney carriage driver's licence from this Authority.

Resolved that Mr M'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.