

Regulation and Review Committee Panel

11 October 2018

Present: Councillor J Stirling (Chair)
Councillor M Madden, D McMeekan, J Mole and K Osborne

RQ27/10/18 Apologies for Absence

There were no apologies for absence reported.

RQ28/10/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ29/10/18 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.

RQ30/10/18 Combined Hackney Carriage/ Private Hire Drivers Licence Appeal – Mr K

The Committee received a report by the Senior Manager, Technical Services which outlined the background to an appeal by Mr K against the decision by the Authority to refuse to grant him a Private Hire Driver's Licence on the grounds that it was not satisfied that he was a fit and proper person to hold such a licence.

Mr K attended the meeting and was accompanied by a colleague.

A Licensing Officer presented the report to the Committee which included information on Mr K's application, his criminal record and the reasons for the refusal. The appeal form and letters of support submitted by Mr K were also included.

Mr K was given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr K then addressed the Committee and answered questions from Members. Mr K's colleague also made a statement to the Committee.

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

The options available to the Committee were to:

- a) Uphold the appeal and agree to renew the licence; or
- b) Dismiss the appeal and refuse to renew the licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and its 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 upheld and Mr K's private hire driver's licence be issued. The Committee considered the circumstances warranted a departure from the Policy and was satisfied that Mr K was a fit and proper person to hold a licence from this Authority.

RQ31/10/18 Combined Hackney Carriage/Private Hire Drivers Licence Disciplinary Referral – Mr M

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 Vehicle Licence, 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.

A Licensing Officer and Mr M attended the meeting.

The Licensing Officer presented the report to the Committee which included information on the reason for the referral and Mr M's criminal and licensing record. The Licensing Officer then answered questions from Members of the Committee.

Mr M was given the opportunity to ask questions of the Licensing Officer.

Mr M then addressed the Committee.

Members of the Committee asked questions of Mr M and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr M, 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.

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.

In determining its response the Committee took into account all that had been presented and contained within the papers submitted to the meeting and 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, conduct and medical fitness.

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 a licence from this Authority.

RQ32/10/18 Private Hire Drivers Licence Disciplinary Referral – Mr T

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 Vehicle 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 accompanied by a representative, Mr W, attended the meeting.

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

Mr T and his representative were given the opportunity to ask questions of the Licensing Officer.

Mr T's representative then addressed the Committee.

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

Following a summing up from the Licensing Officer and Mr T's representative, 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.

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.

In determining its response the Committee took into account all that had been presented and contained within the papers submitted to the meeting and 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, conduct and medical fitness.

Resolved that Mr T's private hire driver's licence be revoked as the Committee was no longer satisfied that he was a fit and proper person to hold a licence from this Authority.

RQ33/10/18 Private Hire Drivers Licence Disciplinary Referral – Mr B

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 Vehicle Licence, Mr B.

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 attended the meeting. Mr B was not present.

The Committee considered whether to proceed in Mr B's absence or defer consideration to a future meeting and give him another opportunity to attend. Mr B had been informed of his referral on 6 September 2018 and the date of the meeting on 21 September 2018 by letter. Both of these letters had been returned to the Authority as 'not known at this address'. Telephone calls had been unanswered and unreturned. The Licensing Officer produced a certificate of service which showed that a copy of the committee report and a letter inviting him to attend the meeting had been hand delivered to his last known address on 4 October 2018 at 10.55am. It was a condition of Mr B's licence that the Licensing Office be informed of a change of address within 7 days of the change. The envelope containing the report had not been returned to the Council. The Committee also noted that Mr B had not responded to attempts from Officers to speak to him regarding the matter when taking their decision to refer him to this Committee.

The Committee decided to proceed in Mr B's absence as it was satisfied that all reasonable and appropriate steps had been undertaken to inform him of the meeting and there were no grounds to suppose that he intended to attend any meeting as he had not engaged with officers throughout the referral process.

The Licensing Officer presented the report to the Committee which included information on the incident in question and Mr B's criminal and licensing record and answered questions from Members of the Committee.

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.

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.

In determining its response the Committee took into account all that had been presented and contained within the papers submitted to the meeting and 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, conduct and medical fitness.

Resolved that Mr B's private hire driver's licence be revoked as the Committee was no longer satisfied that he was a fit and proper person to hold a licence from this Authority.