

Regulation and Review Committee Panel

18 April 2019

Present: Councillor J Stirling (Chair)
Councillors John Hunter, J Mole and L Spillard

RQ78/4/19 Apologies for Absence

Apologies of absence were received on behalf of Councillor J Allan.

RQ79/4/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ80/4/19 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.

RQ81/4/19 Combined Hackney/Private Hire Drivers Licence Appeal – Mr L

The Committee received a report by the Senior Client Manager, Technical Services which outlined the background to an appeal by Mr L against the decision of the Authority to refuse to renew his Combined Hackney Carriage/Private Hire Driver's Licence on the grounds that it was not satisfied that he was a fit and proper person to hold this licence.

Mr L attended the meeting and was accompanied by a representative, Mr L.

A Licensing Officer presented the report to the Committee which included information on Mr L's application, his criminal and licensing record with the Authority and the reason for the refusal. The appeal form with evidence in support submitted by Mr L was also included.

Mr L asked questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr L then addressed the Committee on Mr L's behalf. Mr L then answered questions from Members.

Following a summing up from the Licensing Officer and Mr L, 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 Mr L's appeal be dismissed and the renewal of his combined hackney carriage/private hire driver's licence be refused on the grounds the Committee was not satisfied that he was a fit and proper person to hold this licence.

RQ82/4/19 Private Hire Drivers Licence Appeal – Mr C

The Committee received a report by the Senior Client Manager, Technical Services which outlined the background to an appeal by Mr C against the decision of the Authority to refuse to renew his Hackney Carriage and Private Hire Driver Licence on the grounds that it was not satisfied that he was a fit and proper person to hold this licence.

Mr C attended the meeting and was accompanied by a representative, Ms W.

A Licensing Officer presented the report to the Committee which included information on Mr C's application, his criminal and licensing record with the Authority and the reason for the refusal. The appeal form submitted by Mr C was also included.

Mr C asked questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Ms W then addressed the Committee on Mr C's behalf. Mr C then answered questions from Members.

Following a summing up from the Licensing Officer and Ms W, 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 Mr C's appeal be upheld and his hackney carriage/private hire driver's licence be granted with a warning as to his future conduct. The Committee considered the circumstances warranted a departure from the Policy and was satisfied that Mr C was a fit and proper person to hold a licence from this Authority.

[Councillor Hunter left the meeting at this point]

RQ83/4/19 Combined Hackney Carriage and Private Hire Drivers Licence Disciplinary Referral – Mr I

The Committee considered a report by the Senior Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a Combined Hackney Carriage and Private Hire Vehicle driver's licence, Mr I.

The Committee was requested to assess Mr I's continued suitability to carry out the duties of a licensed driver.

As Mr I did not attend the meeting, the Committee first considered whether to proceed in his absence or defer consideration to a future meeting and give him another opportunity to attend. Officers informed the Committee that a copy of the committee report with a letter inviting him to attend the meeting had been hand delivered to his home address and was informed that members of his family resided at that address. No communication had been received from Mr I either in regard to his appeal or to repeated attempts by the licensing team to speak to him regarding the incident. The Committee decided to proceed in his absence.

A Licensing Officer attended the meeting.

The Licensing Officer presented the report to the Committee which included information on the reason for the referral and Mr I's criminal and licensing record. The Licensing Officer then 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 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 makes reference to convictions, cautions, conduct and medical fitness.

The Committee determined that having carefully considered the evidence presented at the meeting and the nature of the offence, the committee could not be satisfied that Mr I remained a fit and proper person to hold a combined hackney carriage/private hire driver's licence.

Resolved that Mr I's combined hackney carriage/private hire driver's licence be revoked on the grounds of public safety as Members could not be satisfied that he was a fit and proper person to hold a driver's licence.