

Regulation and Review Committee Panel

16 November 2017

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

RQ44/11/17 Apologies for Absence

No apologies for absence were received.

RQ45/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ46/11/17 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.

RQ47/11/17 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 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.

The matter had been deferred from the meeting held on 12 October 2017 to allow the Licensing Team to obtain additional written evidence from a Council partner to assist the Committee in determining its response to the case as 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 (previous minute RQ48/11/17).

A Licensing Officer and Mr S attended the meeting.

As the membership of the Committee was the same as for the meeting on 12 October 2017, with the same officers in attendance, and with Mr S's agreement, the Licensing Officer presented a brief summary of the matter and then explained what activity had taken place since the October meeting.

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.

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 that they were still not in a position to take a decision on this matter and agreed to defer the matter again to allow Mr S the opportunity to request information under the Data Protection Act 1998, Mr S had indicated at the meeting that he was willing to do this.

Resolved that Mr S's case be deferred to a future meeting to allow Mr S the opportunity to request information from a Council partner for submission to that meeting.

RQ48/11/17 Combined Hackney Carriage/Private Hire Driver's Licence Appeal

The committee received a report by the Senior Client Manager, Technical Services which outlined the background to an appeal by Mr L against the refusal by the licensing section to renew his private hire driver's licence as the Authority was not satisfied that he was a fit and proper person to hold such a licence.

Mr L was present at the meeting.

A Licensing Officer presented the report to the committee which included information on Mr L's renewal application, his licensing record and criminal record and what had changed since his last licence had been granted.

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

Members asked questions of the Licensing Officer.

Mr L then addressed the committee and 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:

- Uphold the appeal and agree to grant the licence; or
- Dismiss the appeal and refuse to issue 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 dismissed as the committee could not be satisfied that Mr L was a fit and proper person to hold a Private Hire Driver's Licence.