

Regulation and Review Committee Panel

25 January 2018

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

RQ90/01/18 Apologies for Absence

Apologies for absence were received from Councillor D McMeekan.

RQ91/01/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ92/01/18 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.

RQ93/01/18 Combined Hackney Carriage/Private Hire Driver's Licence Referral – Mr A

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, Mr A.

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

A Licensing Officer and Mr A accompanied by a member of his family, Miss A, and a representative, Mr W, attended the meeting.

The Licensing Officer presented the report and, after clarifying a number of points from Mr W, answered questions from Members of the Committee.

Mr W then addressed the Committee on Mr A's behalf. Miss A also addressed the Committee.

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

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

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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 to the Committee 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.

The Committee determined that due to the circumstances of the case, a suspension of six weeks was the most appropriate sanction as it was an effective way of giving Mr A time to reflect and would be a sufficient deterrent to avoid repetition in the future.

Resolved that Mr A's combined hackney carriage/private hire driver's licence be suspended for a period of six weeks.

RQ94/01/18 Hackney Carriage/Private Hire Driver's Licence Disciplinary Referral – Mr C

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

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

A Licensing Officer and Mr C attended the meeting.

The Licensing Officer presented the report and corrected an error in the report. Members of the Committee asked questions.

Mr C then addressed the Committee which included, with the Chair's permission, a copy of a reference from his operator which was shared with all parties. Members of the Committee asked questions of Mr C and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr C 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 convictions, cautions, conduct and medical fitness.

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 C 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.