

## **Regulation and Review Committee Panel**

**19 April 2018**

Present: Councillor P Earley (Chair)  
Councillor L Spillard, J O'Shea, D McMeekan  
and W Lott.

### **RQ124/04/18 Apologies for Absence**

No apologies for absence were recorded.

### **RQ125/04/18 Declarations of Interest and Dispensations**

Councillor P Earley declared that in his role as Chair of the Committee he had been part of the decision making process to revoke with immediate effect the licence of one of the drivers before the committee today (see minute RQ128/04/18) and as such would leave the meeting room for that item of business.

### **RQ126/04/18 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.

[At this point Councillor P Earley left the meeting room.]

### **RQ127/04/18 Election of Chair**

**Resolved** that Councillor J O'Shea serve as the Chair for the following item of business.

[Councillor J O'Shea in the Chair]

### **RQ128/04/18 Combined Hackney Carriage/Private Hire Driver's Licence Appeal – Mr CLW**

The Committee met to consider an appeal by Mr CLW against the Licensing Authority's decision to revoke his Combined Hackney Carriage/Private Hire Driver's Licence with immediate effect. Before the presentation of the report from the Licensing Officer, the Chair allowed Mr CLW's representative to make a request of the Committee.

Mr CLW's representative requested that the determination of the appeal be adjourned to another date when the investigation into the allegation which had resulted in the revocation of Mr CLW's licence had been completed. At this moment in time there was no additional

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information to offer the Committee that had not been available to the Officers taking the decision to revoke with immediate effect and waiting until the investigation was concluded would allow the panel to consider the appeal with the results of a considered view of the allegation.

The Licensing Officer and the Licensing Co-ordinator for Northumbria Police in attendance at the meeting were asked for their opinion on the request.

All parties then left the meeting room to allow the Committee to consider the request.

**Resolved** that Mr CLW's appeal be deferred until the investigation into the matter was concluded. In reaching this decision the Committee took into account:

- a) that Mr CLW was unable to drive a licensed vehicle in North Tyneside because his licence had been revoked;
- b) that as Mr CLW was unable to drive a licensed vehicle a deferral did not put the safety of the travelling public at risk;
- c) that Mr CLW had made the request and the delay to concluding the appeal against the decision of the Authority to revoke his combined hackney carriage/private hire driver's licence with immediate effect had been at his instigation; and
- d) in the circumstances it was a reasonable request.

**RQ129/04/18            Combined Hackney Carriage/Private Hire Drivers Licence Appeal  
– Mr J**

[Prior to the commencement of the presentation on this matter Councillor Earley returned to the meeting room and resumed the Chair.]

The Committee met to consider an appeal by Mr J against the Licensing Authority's decision not to renew his Combined Hackney Carriage/Private Hire Driver's Licence. Before the presentation of the report from the Licensing Officer, the Chair allowed Mr J's representative to make a request of the Committee.

Mr J's representative requested that the hearing of the appeal be adjourned to another date to allow the Court's decision on whether to re-open the case for "special reasons" to be known as any change to the penalty imposed by the Court was relevant as that determined whether something was considered as a minor or major traffic offence under the Authority's Hackney Carriage and Private Hire Licensing Policy. The application to re-open had been listed at Newcastle Magistrates Court although it was unknown whether the Magistrates would then go on to determine the case there and then.

The Licensing Officer was asked for his opinion on the request.

All parties then left the meeting room to allow the Committee to consider the request.

**Resolved** that Mr J's appeal be deferred until after the date when the application to re-open the case had been listed at Newcastle Magistrates Court, the actual date of the hearing to be arranged in consultation with the Chair of the Committee.

Reason: the Committee concluded that the circumstances and type of offences Mr J had been convicted of, and his acceptance that he had committed them, assured it that he was

not a danger to the travelling public and it was reasonable to wait until the Courts had ruled on the application to re-open the case before determining the appeal.

### **RQ130/04/18 Combined Hackney Carriage/Private Hire Drivers Licence Disciplinary Referral – Mr JDW**

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 JDW.

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

A Licensing Officer and Mr JDW accompanied by a representative attended the meeting.

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

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

Mr JDW's representative then addressed the Committee.

Mr JDW then addressed the Committee.

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

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

The Committee determined that due to the circumstances of the case no further action was required.

**Resolved** that no further action against Mr JDW's Combined Hackney Carriage/Private Hire Vehicle Licence be taken.

### **RQ131/04/18 Private Hire Vehicle Drivers Licence Appeal – Mr UH**

The Committee received a report by the Senior Manager, Technical Services which outlined the background to an appeal by Mr UH against the decision by the Authority to refuse to issue 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 UH was present at the meeting accompanied by his wife.

A Licensing Officer presented the report to the Committee which included information on Mr UH's application, his licensing record and criminal record and what had changed since his last licence had been granted. The report also included the appeal form submitted by Mr U and supporting evidence submitted by him.

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

Members asked questions of the Licensing Officer.

Mr UH then addressed the committee and answered questions from Members. Mrs UH then addressed the Committee.

Following a summing up from the Licensing Officer and Mr UH, 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 grant the licence; or
- b) 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 was not satisfied that Mr UH was a fit and proper person to hold a licence from this Authority.

### **RQ132/04/18 Private Hire Driver's Licence Disciplinary Referral – Mr S**

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 S.

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

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Prior to the presentation of the report a video of the incident which had led to the referral to this Committee was viewed. The Licensing Officer then presented the report and, after clarifying a number of points from Mr W, answered questions from Members of the Committee.

Mr W and Mr S then addressed the Committee.

Members of the Committee asked questions of Mr S and 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.

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.

The Committee determined that due to the circumstances of the case, a warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

**Resolved** that Mr S be issued with a written warning and reminded of the responsibilities which come with holding a Private Hire Drivers Licence.