

Regulation and Review Committee Panel

29 November 2018

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

RQ43/11/18 Apologies for Absence

There were no apologies for absence reported.

RQ44/11/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ45/11/18 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.

RQ46/11/18 Hackney Carriage and Private Hire Drivers Licences Appeal – Mr P

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

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

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

Mr P and Mr H were given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr H then addressed the Committee on Mr P's behalf. Mr H also read out and then circulated a reference from Mr P's current employer. Mr P then answered questions from Members.

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

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The options available to the Committee were to:

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

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 P's appeal be upheld and his Hackney Carriage and Private Hire Driver licences renewed with a warning as to his future conduct. The Committee considered the circumstances warranted a departure from the Policy and was satisfied that Mr P was a fit and proper person to hold both licences from this Authority.

RQ47/11/18 Hackney Carriage and Private Hire Driver Licences Disciplinary Referral – Mr R

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 both a Hackney Carriage and a Private Hire Vehicle drivers licence, Mr R.

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

A Licensing Officer and Mr R, accompanied by his representative Mr W, attended the meeting.

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

Mr R and Mr W on his behalf were given the opportunity to ask questions of the Licensing Officer.

Mr W then addressed the Committee on behalf of Mr R.

Members of the Committee asked questions of Mr R 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.

Resolved that both Mr R's Hackney Carriage and Private Hire Driver licences be revoked as the Committee was no longer satisfied that he was a fit and proper person to hold these licences from this Authority.

RQ48/11/18 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 Drivers 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 and Mr B accompanied by a representative, Mr W, attended the meeting.

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

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

Mr B's representative then addressed the Committee.

Members of the Committee asked questions of Mr B and his representative and sought clarification on a number of matters, including the application of regulations to private land.

Following a summing up from the Licensing Officer and Mr B'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 (1) 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; (2) The Licensing Section identify all places in the borough which are private land but are also places where members of the public would expect to find a taxi rank and ascertain if the landowners are aware that this is unregulated and offer advice on what steps they could take to ensure the safety of their patrons/visitors; and (3) Information on which places do fall into the category described above and what steps have been taken or are to be taken on the matter, to be reported back to all Members of the Regulation and Review Committee.

(At this point in the proceedings Councillor Osborne left the meeting room and took no further part in the decision making).

RQ49/11/18 Private Hire Drivers Licence Appeal – Mr L

The Committee received a report by the Senior Manager, Technical Services which outlined the background to an appeal by Mr L against the decision by the Licensing Authority to refuse to renew his Private Hire Drivers Licence on the grounds that it was not satisfied that he was a fit and proper person to hold such a licence.

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

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

Mr L and Mr H were given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

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

Following a summing up from the Licensing Officer and Mr H, 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 upheld and his Private Hire Driver's licence renewed. The Committee considered the circumstances warranted a departure from the Policy and was satisfied that Mr L was a fit and proper person to hold a licence from this Authority.