

# **Regulation and Review Committee Panel**

**30 August 2018**

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

## **RQ12/08/18 Apologies for Absence**

There were no apologies for absence reported.

## **RQ13/08/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

## **RQ14/08/18 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.

## **RQ15/08/18 Private Hire Drivers Licence Disciplinary Referral – Mr M**

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 Licence, Mr M.

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

A Licensing Officer and Mr M accompanied by a representative and a family member attended the meeting.

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

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

Mr M's representative then addressed the Committee.

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

Following a summing up from the Licensing Officer and Mr M, 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 Mr M's combined hackney carriage/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.

#### **RQ16/08/18 Private Hire Driver's Licence Appeal – Mr K**

The Committee received a report by the Senior Manager, Technical Services which outlined the background to an appeal by Mr K against the decision by the Authority to refuse to renew his 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 K was present at the meeting with his partner, and his representative, Mr W.

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

Mr W and Mr K were given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr W then addressed the Committee and Mr K answered questions from Members.

Following a summing up from the Licensing Officer and Mr 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 the appeal be upheld and Mr K's private hire driver's licence 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 K was a fit and proper person to hold a licence from this Authority.

### **RQ17/08/18 Combined Hackney Carriage/Private Hire Drivers Licence Appeal – Mr J**

The Committee received a report by the Senior Manager, Technical Services which outlined the background to an appeal by Mr J against the decision by 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 such a licence.

Mr J was present at the meeting with his representative, Mr W.

This case had been deferred from the meeting of the Committee held on 19 April 2018 (minute RQ129/04/18) until after court proceedings had concluded.

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

Mr W and Mr J were given the opportunity to ask questions of the Licensing Officer.

Members asked questions of the Licensing Officer.

Mr W then addressed the Committee and Mr J answered questions from Members.

Following a summing up from the Licensing Officer and Mr 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 the appeal be dismissed. The Committee did not consider there were any mitigating factors to warrant a departure from the Policy and was not satisfied that Mr J was a fit and proper person to hold a licence from this Authority.