

**GENERAL LICENSING COMMITTEE
16TH OCTOBER 2012**

PRESENT – Councillor Nutt (in the Chair) Councillors L. Haszeldine, D. Jones, Lawton, Lee, Newall, Stenson, and J. Vasey. (8)

APOLOGIES – Councillors C.L.B. Hughes, B. Jones, J. Lyonette, Thistlethwaite and L. Vasey. (5)

L20. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

L21. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Committee held on 18th September 2012.

RESOLVED – That the Minutes be approved.

L22. EXCLUSION OF THE PUBLIC – RESOLVED – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1, 7 and 14 of Part I of Schedule 12A to the Act.

L23. RENEWAL OF PRIVATE HIRE OPERATOR LICENCE – Pursuant to L58/March 2012 the Director of Place submitted a report (previously circulated) inviting Members to consider the renewal of a Private Hire Operator Licence in respect of concerns about the operation of the Company.

Members granted the Private Hire Operator Licence in March 2012 for a six month period only, subject to close monitoring by the Licensing Section. Members also issued a final warning letter and requested that a further report be brought to the Committee in six months' time and that all of the Directors be required to successfully undertake the Council's Private Hire Operator legislation test. If Officers did not have any concerns at the end of the month period the Company would not be required to attend Committee.

During the six month monitoring period up to 25 September 2012 the Licensing Section were notified of 84 complaints, of these 57 were substantiated and 27 were not. A further 6 complaints were received on 26 September 2012 and a further 5 complaints on 15 October 2012. Directors from the company, circulated a letter to Members (dated 10 October 2012) addressed the meeting and responded to Members' questions in relation to the incidents and to why they felt the Private Hire Operator Licence should be renewed.

Members were concerned to hear that after the period of monitoring Officers did not have confidence that the steps taken by the company were sufficient to address the original concerns, and were particularly concerned that drivers who had repeatedly been the subject of customer complaints because of their poor attitude and behaviour had not been adequately dealt with by the Company. Members were however pleased to hear that the Company wished to work with the Council to improve the situation.

After careful consideration, Members decided that Company Directors needed to work closely with Licensing Officers to establish a proper complaints procedure, consider the pricing structure and ensure that the Company, not the driver, makes all decisions about fares. Members expressed concern about the number of complaints received that related to drivers attitude and requested that Company Directors ensure that proper training is provided for all drivers so that the large number of complaints about driver attitude is reduced. Members agreed that they would require a further report prior to any renewal of licence in April 2013 but that if Officers are satisfied that there are no further concerns about 1AB then you will not be required to attend.

RESOLVED – That the Private Hire Operator Licence be renewed for sixth months only until March 2013 subject to Company Directors working closely with Officers to establish a proper complaints procedure and complaints forms and ensure that drivers undertake training in respect of pricing structure, customer services and driving; and that any further incidents of this kind would result in the immediate return to Committee for a further review of licence which could lead to the revocation of the licence.

L24. SUPPLEMENTARY ITEM – DETERMINATION A PRIVATE HIRE DRIVER LICENCE REVIEWS OF DRIVER LICENCE (EXCLUSION PARAGRAPH NOS 1 AND 7) – With prior approval of the Chair to the matter being treated as urgent to enable the General Licensing Committee to consider the review at the earliest opportunity. The Director of Place submitted a report (previously circulated) inviting Members to consider a review of Hackney Carriage Driver Licence following the Police contacting the Licensing Department in respect of the Driver helping Police with their investigations of a Road Traffic Accident.

(1) Ref. No. 23/12 – A Review of a Hackney Carriage Driver Licence following the driver helping the Police with their investigation in respect of a Road Traffic Accident.

After discussion with the Licensing Manger on 8 October 2012, the Chair agreed to suspend the licence with immediate effect on the grounds of public safety and that the matter be referred to the next meeting of the General Licensing Committee. The Chair had made this decision under Section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 after he concluded that the Driver was no longer able to satisfy the Council that he were a fit and proper person to hold this driver licence after the Police contacted the Licensing Department in respect of the Driver helping Police with their investigations of a Road Traffic Accident. The suspension was also made in accordance with the provisions of Section 52 of the Road Safety Act 2006 on the grounds of public safety.

Members heard further information about this incident and considered the matter seriously and agreed that they could not make a decision until the outcome of the Police Investigation was known.

RESOLVED – That the original suspension be confirmed, in accordance with Section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 and the provisions of Section 52 of the Road Safety Act 2006 on the grounds of public safety.