

GENERAL LICENSING COMMITTEE
2ND APRIL 2013

PRESENT – Councillors Nutt (in the Chair) Lawton, Lee, Newall, Thistlethwaite and Stenson. (6)

APOLOGIES – Councillors L. Haszeldine, C.L.B. Hughes, B. Jones, D. Jones J. Lyonette J. Vasey and L. Vasey (7)

L44. DECLARATIONS OF INTEREST – No declarations of interest were made at the meeting.

L45. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Committee held on 5th March 2013.

RESOLVED – That the Minutes be approved.

L46. 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.

L47. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE – Pursuant to L15/August/2012 the Director of Place submitted a report (previously circulated) inviting Members to consider a review of a Hackney Carriage and Private Hire Driver in light of a complaint from a member of the public alleging that the Driver had ‘nodded off’ whilst carrying passengers.

At the Committee meeting in August 2012, Members suspended this licence on the basis that he was not a fit and proper person to hold licences because he had fallen asleep at the wheel of a licensed vehicle while carrying three passengers and requested medical evidence from his General Practitioner (GP). Once the information was received Licensing Officers lifted his suspension.

On 15 March 2013, after discussion with the Principal Licensing Officer and the receipt of a further complaint, the Chair agreed to suspend the licence with immediate effect. The Chair had made this decision under Section 61(1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 after he concluded that the licence holder could no longer satisfy this Council that they were a fit and proper person to hold this driver licence on the grounds of public safety. 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.

This was the second occasion that the driver had appeared before the Committee after receiving a similar complaint that he appeared to ‘nod off’ whilst at the wheel of a licensed vehicle. The Principal Licensing Officer has written to the driver’s GP seeking clarification of the driver’s current state of health and to comment on the issues of closing his eyes. There has been no response from the driver’s GP and further clarification of his condition was required. The driver also claimed that the complainant had changed her story however, Officers were not aware of this.

RESOLVED – (a) That the original suspension be confirmed, pending additional medical evidence from his General Practitioner that his medical condition is under control and that he is not suffering side effects from his medication such as drowsiness; and

(b) That once evidence is received the matter be referred back to this Committee for determination.