

GENERAL LICENSING SUB COMMITTEE

19 APRIL 2016

PRESENT – Councillors B. Jones, Kane, Lawton and Nutt. (4)

OFFICERS – Pam Ross, Licensing, Parking, Trading Standards and CCTV Manager; Julie Richings, Principal Licensing Officer; Amy Wennington, Lawyer; Sgt C. Dickenson; David Burrell, Private Sector Housing Manager; and Allison Hill, Democratic Officer.

LGS25. ELECTION OF CHAIR – RESOLVED – That Councillor Nutt be elected Chair for the purpose of this meeting.

LGS26. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS27. 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 and 7 of Part I of Schedule 12A to the Act.

LGS28. HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE APPLICATIONS – The Director of Economic Growth submitted a report (previously circulated) inviting Members to give consideration to reviews of four hackney carriage driver licences in light of either criminal or medical issues.

(1) Ref. No. 03/16 – To give consideration to a review of a Hackney Carriage Driver Licence in light of a conviction for no insurance.

The driver attended the meeting and responded to Members questions in relation to the above, and to why he felt that he was a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy which advises that the Council will consider it extremely serious when existing holders of licences receive convictions, cautions, reprimands or warnings for licensing matters or receive complaints which result in disciplinary action and that existing holders of licences may expect the council to consider revoking their licence.

After careful consideration the Members decided to permit the driver to retain his licence as they felt that the driver had genuinely thought he had been insured at the time of the offence, however due to his previous history of offending and concern at this matter agreed to issue a final warning about his conduct.

RESOLVED – That the licence be retained and the driver be issued with a final warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub-Committee.

(2) Ref. No. 04/16 – To give consideration to a review of a Hackney Carriage Driver in light of two convictions for a failing to engage taximeter.

The driver attended the meeting and responded to Members questions in relation to the above, and to why he felt that he was a fit and proper person to hold a Hackney Carriage Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy which considers it extremely serious when existing holders of licences receive convictions, cautions, reprimands or warnings for licensing matters or receive complaints which result in disciplinary action and that existing holders of licences may expect the Council to consider revoking their licence.

After careful consideration the Members decided to permit the driver to retain his licence as they felt that the driver had genuinely made a mistake in respect of the first offence; however this could not be the case in respect of the second offence and therefore issue him with a final warning in respect of this matter. Members also agreed that the driver be required to undertake the driver knowledge test once again at their own expense.

RESOLVED – (a) That the licence be retained and the driver be issued with a final warning letter in respect of future conduct and warned that if any further convictions, cautions, warnings or reprimands are received they would be referred immediately to the General Licensing Sub-Committee.

(b) That the driver be required to undertake the driver knowledge test once again within six weeks of the hearing (i.e. no later than 31 May 2016).

(3) Ref. No. 05/16 – To give consideration to a review of a Hackney Carriage Driver following an application to be excused the requirement to produce an annual Group II medical.

The driver attended the meeting and responses to Members questions in relation to the above and his current medical status.

After careful consideration the Members decided to refuse the application taking into account advice from officers within the Council's Safeguarding team who expressed some concern at the application and would not support the application although the driver's current sleep apnoea appeared to be under control it was in the public interest to retain the annual medical.

RESOLVED – That the application to remove the requirement to produce an annual medical be refused.

(4) Ref. No. 06/16 – To give consideration to a review of a Hackney Carriage Driver following his suspension for medical reasons.

The driver, accompanied by his representative from 1AB taxis attended the meeting.

The Licensing, Parking, Trading Standards and CCTV Manager advised the Members that she had suspended this licence on 22 March 2016 in the interests of public safety, in light of the drivers' recent loss of consciousness at the wheel of his hackney carriage.

Members were also advised that officers had written to the driver's GP for further information but this had not been received however, it was agreed that once the relevant information had been received the driver would be invited to attend a future meeting of this Committee for consideration.

RESOLVED – That Members note the suspension of the Hackney Carriage Driver licence and defer consideration of this matter until the Council is in possession of all the relevant information.