

GENERAL LICENSING SUB COMMITTEE

16 JANUARY 2018

PRESENT – Councillors C. Hughes, B Jones, Lawton, Lee and Newall. (5)

OFFICERS – Julie Richings, Principal Licensing Officer; Leanne Maloney-Kelly, Licensing Officer; Amy Wennington, Lawyer; and Allison Hill, Democratic Officer.

LGS17. ELECTION OF CHAIR – RESOLVED – That Councillor C Hughes be elected Chair for the purpose of this meeting.

LGS18. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

LGS19. 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.

LGS20. APPLICATIONS FOR GRANT OF PRIVATE HIRE DRIVER LICENCE, RENEWAL OF PRIVATE HIRE DRIVER LICENCE AND REVIEW OF HACKNEY CARRIAGE DRIVER LICENCE – The Director of Economic Growth submitted a report (previously circulated) to give consideration to an application for the grant of a Private Hire Driver Licence in the light of relevant information contained in a medical examination report; the renewal of a Private Hire Driver Licence in light of relevant information received on a medical examination report; and to review a Hackney Carriage Driver Licence in light of a recent conviction.

(1) Ref. No. 01/18 – To give consideration to an application for the grant of a Private Hire Driver Licence in light of relevant information received on a medical examination report.

Prior to consideration of this item the Licensing Officer advised Members that the driver had verbally expressed his wish to withdraw his application and did not intend to appear before the Members.

Members discussed the options available to them and agreed that Officers seek written confirmation of withdrawal of the application from the driver before any refund of application fee is actioned.

RESOLVED – That verbal withdrawal of the application by the driver be noted.

(2) Ref. No. 02/18 – To give consideration to review of a Hackney Carriage Driver Licence in the light of a recent conviction.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt that they were 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 sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties and in assessing whether an applicant is a fit and proper person; Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council may suspend or revoke or refuse to renew a licence of a driver of a hackney carriage or a private hire vehicle if the driver has been convicted of an offence involving dishonesty, indecency or violence; or been of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or any other reasonable cause; the Byelaw specific to the repeat offences Section 8e of the Darlington Borough Council Byelaws 1990; and provisions of the Town Police Clauses Act.

After careful consideration Members decided to issue a final warning letter and in doing so agreed that they were unimpressed with the driver's inconsiderate behaviour and knowingly flouting the byelaws despite being fully aware of their existence and their lack of honesty with Members and the Licensing officers.

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 for a further review of their licence and it was unlikely that they would be permitted to retain it at that time.

(3) Ref No. 03/18 – To give consideration to an application to renew a Private Hire Driver Licence in the light of relevant information received on the medical examination report.

The driver attended the meeting and responded to Members questions in relation to the above, and to why they felt they were a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members took into consideration the Council's Licensing Policy, which sets out the Council's stance on the Relevance of Convictions, Cautions and Endorseable Fixed Penalties and in assessing whether an applicant is a fit and proper person; Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 that advises that the Council may suspend or revoke or refuse to renew a licence of a driver of a hackney carriage or a private hire vehicle if the driver has been convicted of an offence involving dishonesty, indecency or violence; or been of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or any other reasonable cause; and provisions of the town Police Clauses Act.

After careful consideration Members agreed not to renew the drivers Private Hire Driver Licence after the driver could not satisfy them that they were a fit and proper person to hold a drivers licence.

In reaching their decision Members concluded that the driver was not currently fit to the DVLA Group II Medical Standards for Vocational Drivers and despite being seizure-free for seventeen years had been throughout this time and was still taking epilepsy medication; and in order to comply with Group II medical standards must be seizure-free for ten years without taking any epilepsy medication.

Members also expressed their sympathy with the drivers situation but stressed that in order to ensure public safety they were obliged to apply the Council's Private Hire and Hackney Carriage Licensing Policy and Procedures which state that, *"In line with DVLA recommendations, the Council applies the DVLA Group II driver standard for medical fitness for hackney carriage and private hire drivers. This is a higher medical standard than that required of drivers of other motor vehicles and is required due to the length of time the driver may spend at the wheel and the responsibility they have for the safety of their passengers and the public."*

RESOLVED – That the renewal application be refused.