

General Licensing Sub-Committee

Wednesday, 23 May 2012

Present: Councillor Marion Lowe (Chair) and Councillors Anthony Gee, Mick Muncaster, Ralph Snape and John Walker

Also in attendance: Zeynab Patel (Solicitor), Stephen Culleton (Public Protection Officer) and Dianne Scambler (Democratic and Member Services Officer)

12.LSC.58 APOLOGIES FOR ABSENCE

There were no apologies for absence.

12.LSC.59 DECLARATIONS OF ANY INTERESTS

No declarations of any interest were received.

12.LSC.60 EXCLUSION OF THE PUBLIC AND PRESS

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

12.LSC.61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The report of the Director of People and Places was withdrawn from the meeting. It was explained to the Members of the Sub Committee that the decision had been delegated to the Chair and Vice Chair of the Licensing and Public Safety Committee ahead of this meeting.

12.LSC.62 SECTION 61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Sub Committee considered a report of the Director of People and Places to determine whether or not the driver was a fit and proper person to continue to hold his Private Hire Drivers Licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

In accordance with the DVLA Group 2 medical provisions, the driver was required to undergo a further medical on reaching the age of 45. The completed medical had again raised the issue of the drivers medical condition Diabetes type 1.

In accordance with the Council's policy, the completed medical form was then forwarded to the Council's medical advisor who responded on the 8 March 2012, advising the Council that the driver should provide further evidence from a specialist Diabetologist on his condition.

New DVLA advice on professional driving is that a Group 2 driver must use a blood sugar testing device that records blood sugar levels, so that a Diabetologist or GP can view the record and the pattern. Dr Parker advised that the Council adopt this requirement for taxi drivers with insulin-dependant diabetes.

At the meeting, the driver submitted a letter from a specialist Diabetologist providing the evidence that the Council had requested in line with the Council's medical advisor. The driver stated that it had cost him £200 to obtain the letter.

In response to the new DVLA requirements relating to blood sugar testing, the Council were able to extend an offer to the driver for the option to present his blood sugar records at 3 monthly intervals to the occupational health unit at Chorley Hospital, for the attention of the Council's Medical advisor, for a cost of £10.00 at each visit.

As no conditions can be placed on the driver's existing private hire driver's licence, the driver's licence would need to be revoked and then an application submitted for a new private hire driver's licence. The public protection officer recommended that on grant of the new licence, Dr Parker's requirements could be added as conditions on the new licence. The conditions are set out in full below.

The driver stated that he would be willing to surrender his licence at the meeting and apply for a new licence that would be conditioned.

The Committee considered the report and the representations of the public protection officer and the applicant.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED to accept the surrender of the driver's existing Licence and to delegate to licensing officers the authority to grant the driver on application a Private Hire Driver's Licence, where he will not be subject to the requirements of the standard conditions of application for the reason that the conditions already rest on the driver's file and are relevant and satisfactory for the purposes of granting the application save for the matter discussed and relate to: a) the appropriate fee, b) a medical, c) a CRB Disclosure, d) the Council's Knowledge Test, e) the DSA Driver Test. And that the following conditions be attached to the Private Hire Drivers Licence:**

- a) The licence shall be issued in addition to those conditions already attached to such licences.
- b) That the driver provides an annual statement to officers of the Council from a Diabetologist/GP that shall clearly state:
 - a. Whether there is any history of hypoglycaemia requiring the assistance of another person in the last 12 months.
 - b. Whether the driver has full hypoglycaemic awareness.
 - c. Whether the driver is able to demonstrate an understanding of the risks of hypoglycaemia.
 - d. That the driver records his blood sugar levels twice daily at times relevant to his driving and that this is carried out by using a blood glucose meter.
 - e. That the driver's Diabetologist or GP or Chorley Hospital Occupational Health Unit has had sight of the recorded blood glucose levels for the previous 3 months and has recorded the driver's HbC1A results and is able to state that the driver's Diabetic state poses no threat to his ability to safely perform his duties as a Private Hire Driver, and are able to report the results every 12 months to the Council.
 - f. That the driver reports any changes to his health that is likely to affect his responsibilities as a Private Hire driver.

Chair