

General Licensing Sub-Committee

Wednesday, 6 November 2013

Present: Councillor Marion Lowe (Chair) and Councillors Keith Iddon, Hasina Khan, Alan Platt and Ralph Snape

Also in attendance

Officer: Alex Jackson (Senior Lawyer), Paul Carter (Public Protection Co-ordinator), Colin Wordsworth (Public Protection Officer) and Dianne Scambler (Democratic and Member Services Officer)

13.LSC.22 APOLOGIES FOR ABSENCE

There were no apologies for absence.

13.LSC.23 DECLARATIONS OF ANY INTERESTS

No declarations of any interests were received.

13.LSC.24 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of schedule 12A of the Local Government Act 1972.

13.LSC.25 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976. FITNESS OF DRIVER TO HOLD A PRIVATE HIRE DRIVER'S LICENCE.

The Sub Committee considered a report of the Director of People and Places to determine whether a driver was a fit and proper person to hold a private hire driver's licence under the Local Government (Miscellaneous Provisions) Act 1976.

The driver currently held a private hire driver's licence PHD106 that had been issued by Chorley Council on 23 November 2010 and was set to expire on 6 December 2013.

The driver had reported a transient ischaemic attack (TIA) that had happened in March 2013, to the licensing department as per the conditions of his private hire driver's licence. The details of the TIA had been forwarded to the Council's medical consultant for further consideration.

As recommended by the Department of Transport (DFT) – "Taxi and Private Hire Vehicle Licensing – Best Practice Guidance" (March 2010) and approved by Members at a Licensing and Public Safety Committee in September 2010, all drivers in Chorley are required to be assessed against the Group II medical standards. Members noted that these were the same standards as applied by the DVLA to the licensing of lorry and bus drivers.

The DVLA Group II medical standards were also clear regarding the action to be taken following a TIA and Members were informed of the required guidance. Members noted that the response from the Council's medical examiner echoed the guidance that the driver should have his licence revoked for one year. However, it was explained that there was no provision to revoke a licence for a specified period.

The driver and his wife attended the meeting to give his representations to the Sub Committee.

The driver explained that although he still held his private hire driver's licence and badge, he had, as he had promised officers of the Council, not driven since the TIA. The driver stated that at the time of reporting his TIA to the Council he had tried to surrender his driver's badge, but officers had told him to retain it. This had meant that he had effectively paid 8 months for a licence that he had not been able to use. The driver asked if he could be reimbursed for this period if his licence was revoked by the Sub Committee.

The driver also raised his concerns that if he were to have his licence revoked now; it would cost him nearly three times as much to apply for a new licence in April 2014, which would be 12 months after the TIA. The driver asked the Members to consider granting the renewal of his licence in December with a view to immediately suspending the licence until he was able to prove that he was fit to hold his licence again.

Members noted that the driver had been honest about his condition and had reported the TIA to the Council as was required to do so. He had also kept to his word and although he was still in possession of both his licence and his driver's badge he had not driven since.

The Members also considered the drivers request that if his private hire driver's licence was revoked, the Council should reimburse him for the eight months that he had been unable to use his licence. However members accepted the comments of the Public Protection Officer that a reimbursement was not consistent with the driver continuing to hold a suspended licence and possibly resuming his work as a taxi driver at some point in 2014.

The Sub Committee carefully considered all the representations they had received from the Public Protection Officer and the driver and **RESOLVED under Section 61 (1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 to:**

- (1) suspend the drivers Private Hire Drivers Licence.**
- (2) give delegated authority to officers to renew the drivers Private Hire Drivers licence in December 2013 based on the suspension continuing.**
- (3) give delegated authority to officers to revoke the drivers Private Hire Driver's licence if by 1 June 2014 the driver cannot demonstrate to the Council's satisfaction that he meets Group II Medical Standards or to remove his suspension if the driver proves he meets Group II Medical Standards before that date.**
- (4) authorise officers to request the driver to hand back his Private Hire Drivers badge for the duration of the suspension.**

The Reasons for the decision were:

- (1) The Council's adopted policy is to apply Group II Medical Standards to taxi drivers in accordance with DFT Guidance. Such standards call for a licence to be revoked for 12 months following a TIA. Members considered that they could achieve the aim of the policy i.e. that the driver should not carry the public by suspending for a minimum of 12 months after the TIA rather than revoking the drivers licence.
- (2) The Council's medical consultant Dr Parker had made a recommendation in accordance with DFT Guidance namely that the licence should be revoked for 12 months following the TIA which members thought carried significant weight. Again members considered that they could achieve the policy aim of

protecting the public by suspending for a minimum of 12 months after the TIA rather than revoking the driver's private hire driver licence.

- (3) If the driver handed back his driver's badge the Council would have additional assurance that the driver could not drive a taxi for the duration of the suspension.

Chair