

General Licensing Sub-Committee

Wednesday, 8 January 2014

Present: Councillor Marion Lowe (Chair) and Councillors Doreen Dickinson, Steve Murfitt, Alan Platt and Ralph Snape

Also in attendance

Officer: Alex Jackson (Senior Lawyer), Stephen Culleton (Public Protection Officer) and Ruth Rimmington (Democratic and Member Services Officer)

14.LSC.1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

14.LSC.2 DECLARATIONS OF ANY INTERESTS

No declarations of any interests were received.

14.LSC.3 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.

14.LSC.4 SECTION 61 (2B) OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered the report of the Director of People and Places to consider whether a licensed private hire driver was a fit and proper person to hold a private hire driver licence.

The driver currently held a private hire driver's licence that had first been issued by Chorley Council on 19 November 2010 and was set to expire on 18 November 2014.

Officers were made aware that the driver had been admitted to hospital following being found at home suffering from a stroke. The driver was contacted by officers on his discharge from hospital where he confirmed his medical condition. The details of which had been forwarded to the Council's medical consultant for further consideration. The driver has remained helpful in all matters relating to this incident.

As recommended by the Department of Transport – "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 Transient Ischaemic Attack (TIA) and Members were informed of the guidance. Members noted that the response from the Council's medical examiner had recommended that the driver should not drive taxis for at least 12 months. It was explained that there was no provision to revoke a licence for a specified period.

The driver did not attend the meeting and had advised the Public Protection Officer of this by telephone. He had further advised the Officer that he was in the process of selling his Private Hire Vehicle and had previously handed his PHV driver's badge to officers. The driver informed the officer that he had suffered a further episode since the publication of the agenda papers.

Members noted the difference between a revocation and a suspension of a licence.

The Sub Committee carefully considered all the representations they had received from the Public Protection Officer and **RESOLVED to revoke the driver's Private Hire Driver Licence with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, with an invitation for the driver to reapply for a PHV Driver's licence in the future, e.g. (a period of not less than 12 months and extending to not more than 36 months from revocation) where he can make an application without the requirement to undertake the DSA and the Council's Knowledge test.**

The Sub-Committee acknowledged the drivers' co-operation in this matter.

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.
- (2) The Council's medical consultant had made a recommendation in accordance with DFT Guidance namely that the driver should not drive a taxi for at least 12 months from 25 November 2013 which members thought carried significant weight.
- (3) The driver had reported a further episode which only increased the uncertainty over his future medical fitness to drive a taxi.

Chair