

## **General Licensing Sub-Committee**

**Wednesday, 19 November 2014**

**Present:** Councillor Anthony Gee (Chair), and Councillors Gordon France, Keith Iddon, Mark Jarnell and Steve Murfitt

### **Also in attendance**

**Officer:** Jodi Fitzpatrick (Solicitor), Stephen Culleton (Licensing Officer), Sarah Longden (Student Environmental Health Officer) and Dianne Scambler (Democratic and Member Services Officer)

### **14.LSC.19 DECLARATIONS OF ANY INTERESTS**

No declarations of interests were received.

### **14.LSC.20 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.21 SECTION 51 & 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Sub Committee considered a report of the Director of Public Protection, Street Scene and Community for the determination of whether a driver was a fit and proper person to continue to hold his Private Hire Drivers' Licence (PHD0891) under Sections 51 and 61 of the Local Government (Miscellaneous Provisions) Act 1976 with regards to his completed Group 2 Medical and subsequent suspension.

The driver had held a Chorley Council Private Hire Drivers Licence since 1998, following a Group 2 Medical in March 2012; he was referred to the newly appointed Medical Consultant for the Council who drew officer's attention to the inherent medical issues in relation to the driver's Diabetes and Heart problems. Following extensive communication between the driver, his representative and Officers of the Council, he was unable to provide the reassurance sought by the Council's Medical Advisor as to his ability to satisfy the Group 2 medical requirements.

Members determined to suspend the drivers Private Hire Drivers Licence (PHD0891) at a General Licensing Sub-Committee hearing on 21 November 2012, as he could not satisfy Members that he had the necessary medical evidence to meet the requirements.

On 28 November 2013, the driver made application to renew his PHD licence which he was required to do to preserve his entitlement for the licence. On 5 December 2013 the driver notified the Council that he had undergone a heart by-pass operation. On 17 July 2014 the driver undertook a Group 2 Medical which was forwarded on to the Council on 23 July 2014,

the results of which were contained within the report. On 20 August 2014, officers wrote to the driver requesting further detailed information to support his application to renew his licence, to date no correspondence has been received, save that officers contacted him on 4 November to establish if he still wished to proceed with his application.

Officers were informed at that time that the driver had completed the required exercise tolerance test and was awaiting his results. The driver's solicitor was advised that any results should be presented at the earliest opportunity and that the application would be determined at a meeting of the General Licensing Sub Committee. To date the information had still not been received.

After careful consideration and taking into account all the relevant factors the General Licensing Sub Committee **RESOLVED to refuse to renew the private hire driver licence of the driver under S61 (1)(b) of the Local government (Miscellaneous Provisions) Act 1976 for the following reasons:**

**The Council's adopted policy is to apply Group 2 Medical Standards to Taxi Drivers in accordance with the Guidance from the Department of Transport.**

**The driver's Group 2 Medical Examination Report has not been satisfactorily completed.**

**The Council's medical consultant recommended that a Bruce Protocol Exercise Test be undertaken to determine if the driver achieves Group 2 Medical Standards in July 2012. The Council has been informed that this has been undertaken however the results have not been produced to the Council nor has the driver provided an explanation as to the reasons why the medical information has not been presented.**

**Given the lapse of time between the medical evidence requested in 2012 and the application for renewal submitted on 28 November 2013 members considered that the driver has had ample opportunity to provide the Medical Evidence requested but had failed to do so. Furthermore, he has not provided any explanation as to why the medical evidence has not been submitted or if this may be submitted in the near future.**

**Members considered it was fair and proportionate in the interest of public safety to refuse to renew the drivers licence due to the lack of satisfactory medical information, namely the incomplete Group 2 Medical Examination Report and the results of the Bruce Protocol Exercise Test.**

Chair