

MINUTES OF	GENERAL LICENSING SUB-COMMITTEE
MEETING DATE	Tuesday, 30 September 2014
MEMBERS PRESENT:	Councillor Marion Lowe (Chair), Councillor (Vice-Chair) and Councillors Margaret France, Matthew Lynch, Mick Muncaster and John Walker
OFFICERS:	Jodi Fitzpatrick (Solicitor), Stephen Culleton (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)
APOLOGIES:	None

14.LSC.12 Declarations of Any Interests

There were no declarations of interests.

14.LSC.13 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.14 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976

The Sub Committee convened for the determination of whether a driver was a fit and proper person to continue to hold a private hire drivers licence under Section 61 of the Local Government (Miscellaneous) Provision Act 1976 with regards to his recently completed Group II Medical.

The application process had identified a medical issue that prompted officers to suspend the driver with immediate effect under delegated powers. The driver had failed to inform the Council of a medical condition during currency of his private hire driver's licence.

The driver had been granted a private hire driver's licence (PHD1003) by the General Licensing Sub Committee on 26 January 1998 as a conviction for possession of cannabis was considered. The driver had now held that licence with the Council for a considerable length of time and had an exemplary record of driving. The driver's licence was due to expire on 20 October 2014.

In August 2014, the driver was required to complete a DVLA Group II Medical having reached the age of 45. The medical identified a condition that prevented him from

meeting the Group II requirements. On 2 September 2014, the Group II Medical was forwarded to the Council's Medical Consultant, who responded, indicating that the condition identified was a potentially serious matter in relation to driving.

The driver did not inform the Council of his medical conditions as required to do so under the conditions of his PHD licence and was in breach of his licence. On 5 September, officers suspended the driver's (PHD1003) licence under Section 61(2B) of the said Act of 1976, with the suspension having immediate effect, lasting for a period of two months.

Members were reminded that the Council had adopted the DVLA Group II Medical as the medical standard for prospective and existing private hire and hackney carriage drivers to satisfy the Council's Fit and Proper criteria in relation to medical issues.

Correspondence from the Occupational Health Department at the Royal Preston Hospital indicated that the driver would need to provide evidence that he has passed a standard Bruce protocol exercise tolerance test and that his left ventricular ejection fraction was less than 40% to prove that he was a fit and proper person to hold a private hire driver's licence.

The driver attended the meeting to give representation. He explained that the reason why he had not informed the Council of his medical condition had been that he had thought that his licence had expired. When he had experienced his heart attack, he had not driven any form of vehicle for three months and presumed that by the end of this time his licence would have expired as he had not realised that the licence was for three years and not one as was previous.

The Sub Committee was informed that the driver had booked to undertake an exercise tolerance test on 29 October 2014 and was confident that he would pass. However, his current licence was due to expire on 20 October 2014. The Sub Committee was also advised that the driver's current suspension was due to end in 4 days' time.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED** to:

- **Suspend the drivers licence with immediate effect for the period of 3 months under S61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976**
- **In the event that the Council's Medical Consultant is satisfied that the results of the Drivers Bruce Protocol Exercise Test are Group II compliant, members delegate power to the Lead Licensing Officer in consultation with the Chair to lift the suspension and grant any renewal application received**
- **In the event that the Council's Medical Consultant is not satisfied with the drivers results the matter and any application for renewal will be referred back to a meeting of the General Licensing Sub-Committee**

For the following reasons:

- 1. The Council's adopted policy is to apply Group II Medical Standards to Taxi Drivers in accordance with the Guidance from the Department of Transport.**
- 2. The medical the driver was required to undertake upon reaching the age of 45 has revealed that the Driver has suffered a heart attack. The**

Council's medical consultant has recommended a Bruce Protocol Exercise Test be undertaken to determine if the Driver achieves Group II medical standards.

- 3. It is necessary in the interests of public safety to suspend the driver with immediate effect pending the outcome of the Bruce Protocol Exercise Test.**
- 4. Members accepted the Drivers explanation as to why he failed to inform the Council about his medical condition however Members want to impress upon the Driver the importance of informing the Council of any changes in line with the Conditions of the Private Hire Drivers Licence.**

In accordance with the Council's policy on previous convictions no weight has been given to the historic conviction.

Chair

Date