



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 24 May 2017

MEMBERS PRESENT: Councillor Marion Lowe (Chair) and Councillors Kim Snape, Margaret France and Mick Muncaster

OFFICERS: Stephen Culleton (Lead Licensing and Enforcement Officer), Alex Jackson (Legal Services Team Leader), Shauna Pill (Senior Paralegal) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillor Sheila Long

17.LSC.113 Declarations of Any Interests

No declarations of any interests were received for any of the items on the agenda.

17.LSC.114 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

17.LSC.115 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 grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

17.LSC.116 Application to Renew a Private Hire and Hackney Carriage Drivers Licence Made Under the Local Government (Miscellaneous Provisions) Act 1976

The Director of Early Intervention and Support submitted a report to the General Licensing Sub-Committee to enable Members to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence.

The applicant attended the meeting to make his representations to the Sub-Committee along with his representative.

The applicant applied to renew both his Private Hire Driver's Licence and Hackney Carriage Driver's Licence, which he was first granted in May 2004. The application identified a driving conviction that the applicant received during the validity of those licences, however he failed to inform the Council of the conviction in the required time. The applicant last renewed the licences on 17 May 2014; both licenses expired on 17 May 2017. The applicant was brought to the attention of Members in January 2016 as he had not at that time provided a current Disclosure and Barring Certificate (DBS).

The applicant received an SP30 in June 2014 that resulted in 3 penalty points being attached to his DVLA driver's licence. The applicant explained that he sent a letter to the Council in June 2014 informing the Council of his conviction. Officers had no record of that communication attached to the applicant's records. The applicant's DVLA driver record indicated that he had previously received 3 penalty points for a construction and use offence of driving a vehicle without a valid test certificate. It was reiterated to Members that this construction and use offence was a historic conviction and no longer lay on his licence. Officers believed that the applicant had the opportunity to inform Members at the time of the hearing of the offence notwithstanding the conditions of his PHD licence.

When questioned by Members, the applicant could not recall if he had passengers in his vehicle at the time of his speeding offence. Members stressed the importance of the responsibility that the applicant had to inform the Council of any changes to his licence and reiterated the consequences of this.

The applicant's representative reassured Members that the applicant had been a licence holder in the borough for more than ten years and during this time he had received no complaints, he did not obtain a criminal record and had no issues with the police. The applicant's representative reiterated that the applicant had experienced personal issues at the time and had subsequently learnt from this conviction and taken extra care when driving, which was indicated by no additional or pending motoring convictions on his licence since. The applicant's representative understood the negative bearing of not informing the Council of the SP30 offence had on the applicant; however in considering the minor nature of the motoring conviction he believed it was not worth the applicant losing his livelihood. The applicant's representative subsequently asked that the committee grant renewal and reiterate the severity of a future warning which would result in the likely revocation of the PHD and HCD licences.

Following careful consideration and taking into account the Council's Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing, the Sub-Committee **RESOLVED to grant the renewal application but with a warning to lie on the applicant's licensing file. Members were minded to consider revocation of the applicant's PHD and HCD licences should there be any similar failures to disclose material information to the council in future. The decision was taken for the following reasons:**

- 1. The applicant had not come to the attention of the Sub-Committee between 2004 and the meeting of the Sub-Committee in 2016.**
- 2. The SP30 was a minor conviction.**
- 3. The warning issued would be consistent with the Council's policy on renewal applications and minor convictions.**
- 4. The construction and use offence of driving without a valid certificate was historic and according to the Lead Licensing & Enforcement Officer at least four years old and possibly older.**

17.LSC.117 Determine an Application to Renew a Hackney Carriage Drivers Licence Made Under the Local Government (Miscellaneous Provisions) Act 1976

The Director of Early Intervention and Support submitted a report to the General Licensing Sub-Committee informing Members of an application made for the renewal

of a Hackney Carriage Driver Licence under the Local Government (Miscellaneous Provisions) Act 1976.

The applicant attended the meeting along with his representative.

The applicant's representative requested that the meeting be adjourned following the completion of a second treadmill test which had been scheduled and asked that following receipt of the results, the decision be delegated to officers in consultation with the Chair and Vice-Chair.

The applicant's representative confirmed that the applicant was no longer taking the medication as indicated in the report and provided Members with sight of a letter from his medical consultant, dated 5 May 2017 which indicated lack of symptoms. It was noted to Members that the Council's Medical Advisor had also had sight of this letter and advised that the letter did not contain anything to suggest that the applicant was now compliant with Group II medical standards. The e-mailed response of the Council's medical expert was also circulated to the sub-committee.

Taking this into consideration, the Sub-Committee **RESOLVED to adjourn the matter pending receipt of the revised blood pressure readings, or failure to produce such readings to the Council within the next two months following another treadmill test. Members resolved to suspend the Hackney Carriage Driver Licence with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 on grounds of public safety with no time limit on the duration of the suspension for the following reasons:**

- 1. The applicant should be given the opportunity to take another treadmill test as he believed that it could produce a positive result.**
- 2. The Council's Group II medical consultant advised that the applicant should not be licensed; therefore the suspension with immediate effect would protect public safety pending any decision either way on the future of the Hackney Carriage Driver Licence.**
- 3. Members noted the letter from the applicant's medical consultant and understood that it had been forwarded to the Council's Medical Advisor who concluded that it did not contain anything to suggest that the applicant met the Group II Medical standard.**

Chair

Date