General Licensing Sub-Committee

Wednesday, 4 November 2009

Present: Councillor Pat Haughton (Chair) and Councillors Doreen Dickinson, Anthony Gee and Hasina Khan

09.LSC.14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stella Walsh and Magda Cullens.

09.LSC.15 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest submitted for any of the agenda items by any of the Sub-Committee Members.

09.LSC.16 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 it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

09.LSC.17 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods seeking instruction on an application for a licence to drive hackney carriage/private hire vehicles.

The Council's adopted policy stated that applicants for a hackney carriage/private hire drivers' licence should have a minimum of 3 years driving experience as the holder of a full UK driving licence. The applicant had held a full UK drivers licence since 6 September 2008, therefore the applicant did not meet the criteria and consequently under normal circumstances would not qualify for a drivers' licence.

The applicant attended the meeting to put forward representations in support of the application, and gave a detailed account of his driving experience since entering the UK.

After a lengthy discussion in which careful consideration of all the relevant factors was given, especially the applicant's driving experience, the lack of any criminal convictions, and offer of employment, the Sub-Committee **RESOLVED – that the application for a hackney carriage/private hire drivers' licence be granted.**

09.LSC.18 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods seeking instructions on an application for a licence to drive private hire vehicles.

The application could only be determined by the Sub-Committee as the applicant had revealed a number of convictions and a medical condition that was relevant to the DVLA Group 2 Medical Conditions.

The applicant attended the meeting to put forward representations in support of his application.

Members of the Sub-Committee heard an account of the circumstances that led up to both convictions, which took place before the year 2000, for which the applicant expressed his remorse.

In relation to the applicant's medical condition, Members of the Sub-Committee were advised that the applicant had a medical condition relating to insulin treated diabetes and was under the supervision of the specialist diabetes unit at Wrightington, Wigan and Leigh Royal Albert Edward Infirmary. The applicant had managed his condition himself for the last 26 years, and had given a written undertaking with regard to his diabetic management.

The Sub-Committee considered all relevant factors, including the applicant's criminal convictions, his medical condition and the offer of a job opportunity.

Members of the Sub-Committee had expressed their concern that the consultant's report had not given a clear indication of the applicant's fitness to drive a private hire vehicle. Members of the Sub-Committee also expressed reservations that the applicant's convictions had both been alcohol related. Members did however accept that the convictions had been some time ago.

After considering all the information available to them, the Sub-Committee did not feel in a position to make a decision on the application, and elected to defer the decision until the next Sub-Committee on 2 December 2009. In the meantime the Sub-Committee asked the applicant to gain further clarity from his consultant, as to his fitness to drive a private hire drivers' licence. It was intended that this information will be presented to the next meeting for consideration, after which a decision will be made.

Chair