

# General Licensing Sub-Committee

**Wednesday, 2 December 2009**

**Present:** Councillor Pat Haughton (Chair) and Councillors Judith Boothman, Hasina Khan, Thomas McGowan and Debra Platt

## **09.LSC.19 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor David Dickinson.

## **09.LSC.20 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest by any of the Sub-Committee Members in any of the meeting's items.

## **09.LSC.21 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED – That the press and public be excluded from the meeting during discussion of the following items on the ground that they involve 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.22 SECTION 61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - SUSPENSION AND REVOCATION OF A PRIVATE HIRE DRIVERS' LICENCE**

The Sub-Committee considered a report of the Corporate Director (Neighbourhoods), bringing to the attention of Members, a complaint regarding the professional standards of a licensed private hire driver in Chorley, following an incident which took place whilst the driver was on duty.

Members of the Sub-Committee had been asked to consider whether the Private Hire Driver was a fit and proper person to continue to hold a Private Hire Drivers' Licence in light of the information contained in the report.

The Sub-Committee received details on an incident that took place on the 23 September 2009, which resulted in an injury to a minor.

The Private Hire Driver attended the meeting to put forward representations as to why the Private Hire Drivers' Licence should not be revoked. The driver confirmed the information presented to the Sub-Committee was a correct record of events, but maintained he was unaware of the injury to the minor, and expressed remorse for the incident.

Members of the Sub-Committee noted that the driver had only held a Private Hire Driver's licence for a year.

All aspects of the incident were considered by Members of the Sub-Committee, including representations from the driver and the Public Protection Officer, the witness statement, and public safety considerations.

The Sub-Committee deliberated on the information presented which included:

- a) that the driver had not engaged the hand break on his vehicle while waiting for his passengers to enter the car
- b) an injury was caused to a minor
- c) the incident occurred when the driver had only held his private hire drivers' licence for one year.

After considering and taking account of all the relevant factors, the Sub-Committee unanimously **RESOLVED to add a condition to the drivers Private Hire Drivers' Licence that there was a requirement for the driver to complete one of the following training courses:**

- a) **Driver Standards Agency, Taxi Driver Assessment, or**
- b) **National BTEC (Transporting passengers by Taxi and Private Hire, EDEXCEL Level 11 BTEC Award)**

**The chosen course must have been completed within 6 months from the day of this Sub-Committee (2 December 2009) or within such a period as the Corporate Director (Neighbourhoods) may agree, in consultation with the Chair on receipt of representations from the Private Hire Driver.**

(At this point Councillor Haughton left the meeting, and Councillor McGowan took over as Chair)

#### **09.LSC.23 SECTION 61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE**

The Sub-Committee considered a report from the Corporate Director (Neighbourhoods), seeking Members decision on an application for a Private Hire Drivers Licence.

The application had originally been considered at the Sub-Committee held on 4 November 2009. Members of that Sub-Committee felt that they were unable to make a decision at the time, but instead decided to defer the application to the next available General Licensing Sub-Committee. This was to allow the applicant time to provide further medical evidence, confirming his fitness to hold a private hire drivers licence on health grounds.

The applicant's original medical report had been completed by his doctor and stated that the applicant had a medical condition relating to Insulin Treated Diabetes. Members were reminded that the Council had adopted the DVLA Group 2 Driver Medical Standards in relation to applications for Private Hire and Hackney Carriage Driver in line with the recommendations from the DVLA. The applicant's condition would normally prohibit the licensing of applicants who were subject to the considerations of the DVLA Group 2 Driver Medical Standard.

In support of his application, that applicant provided detailed information for the purpose of establishing his fitness to drive a Private Hire Vehicle from his consultant and submitted a written undertaking with regards to his diabetic management.

The applicant had held a DVLA Driver licence since July 1984, which was renewed on a 3 yearly basis, and was due to expire on 7 October 2011.

As part of his application, the applicant completed an Enhanced Criminal Records Disclosure as part of the application process which revealed previous convictions. The applicant had passed the required knowledge test.

Since the Sub-Committee on 4 November 2009, the applicant had provided a statement to further support the medical opinion sought.

The applicant, and the applicant's brother, attended the meeting to put forward representations in support of his application.

Members of the Sub-Committee asked the applicant various issues relating to his diabetes, including his control and monitoring methods, employment history, frequency of hypoglycaemia episodes, and how he intended to manage his diabetes working as a private hire driver, should Members of the Sub-Committee be minded to grant the application.

The Sub-Committee considered all aspects of the application, including representations from the applicant and the Public Protection Officer, the applicant's medical condition and the relevance of his convictions.

After careful consideration of all the relevant factors, the Sub-Committee unanimously **RESOLVED to grant the application on the condition that the applicant immediately report to the Public Protection Team in writing any significant changes in his diabetic condition.**

Chair