

# General Licensing Sub-Committee

Wednesday, 12 October 2011

**Present:** Councillor Stella Walsh (Chair) and Councillors Marion Lowe, Mick Muncaster, Dave Rogerson and John Walker

**Also in attendance:** Bob Beeston (Public Protection Officer), Zeynab Patel (Solicitor) and Dianne Scambler (Democratic and Member Services Officer)

## 11.LSC.21 APOLOGIES FOR ABSENCE

There were no apologies for absence.

## 11.LSC.22 DECLARATIONS OF ANY INTERESTS

No declarations of interest were declared.

## 11.LSC.23 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.**

## 11.LSC.24 PRIVATE HIRE DRIVER SUSPENSION UNDER SECTION 61 (1) (B) OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report from the Director of People and Places drawing Members attention to the suspension of a Private Hire Driver licence under Section 61 (1) (B) of the Local Government (Miscellaneous Provisions) Act 1976.

On the 14 September, the driver had contacted the Council with concerns over his health and was invited into the Council offices to discuss the matter. The driver gave a detailed honest appraisal of his medical condition and believed that he would not at the present time be in a position to satisfy a Group II Medical.

The driver was advised not to continue driving and he agreed to the suspension of his PHD Licence and delivered his Private Hire Drivers Licence and badge to the Council offices.

In order that the driver could access his entitlement to his Private Hire Drivers Licence in the future without having to undergo a full application, officers had agreed that his licence should remain suspended until he is able to meet Group II Medical Standards. When deemed appropriate he would be invited to renew the licence prior to its expiry on 22 May 2014.

The driver could not attend the meeting on the grounds of ill health but his partner attended the meeting to put forward representations in support of the application.

The Sub Committee considered all aspects of the application, including representations from the Public Protection Officer, who commented that the driver had acted in good faith and would welcome him back as he was a good driver and operator.

After careful consideration of all the relevant factors. The Sub Committee unanimously **RESOLVED to approve the suspension of the Private Hire Drivers Licence until officers are satisfied the driver is a fit and proper person to act as a Private Hire Driver and that the decision to lift the suspension be delegated to officers.**

**11.LSC.25 REPORT CONCERNING A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE UNDER SECTION 61 (B) OF LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Director of People and Places submitted a report, which sought the Sub Committee's decision on an application for a Private Hire Drivers Licence.

The application had been received on 26 July 2011, and could only be determined by the General Licensing Sub Committee as the applicant had a number of relevant disclosures on his application and DVLA driving licence.

The Criminal Records Bureau disclosure had disclosed a number of convictions.

Members of the Committee received information about the offences and the Council's policy regarding these matters and the relevant parts of the policy were contained within the report.

The applicant had held a full driving licence from 26 January 2007 and had satisfactorily passed the Council's Knowledge Test, DSA and Medical requirements.

The driver had attended the Council offices to offer explanations to the convictions, giving a detailed account of the circumstances and his involvement in the matter outlined in the report and was invited to address the Sub Committee to give further representation.

The driver had applied to South Ribble Borough Council for a private hire/hackney carriage drivers licence and had been refused on the grounds that he was not a fit and proper person.

The driver had, at his own expense passed a PSV Driving Test and now held the group entitlement on his DVLA Drivers Licence. The driver currently worked for a Chorley based Private Hire Operator and drove on a regular basis a 17 seat bus under the PSV entitlement.

The driver and his employer both attended the meeting to put forward representations in support of his application and answered questions of the Sub Committee Members, the Public Protection and Legal Officers about his convictions. The Committee were also informed that the 3 points for the SP30 had expired.

After careful consideration of all the relevant factors including the nature of the convictions and the reasons behind the non disclosure of all the convictions, as well as the operator's supportive representations, the Sub Committee unanimously **RESOLVED to grant the Private Hire Drivers Licence. The Sub Committee appreciated the drivers honesty in relation to his circumstances and determined that the applicant was a suitable driver from his recent driving experiences, feeling confident that he was a fit and proper person who would not let the Committee down.**

**11.LSC.26 REPORT CONCERNING PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES UNDER SECTION 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Sub Committee considered a report of the Director of People and Places, asking Members to consider revoking of a private hire drivers and hackney carriage driver's licence, following information received from a Criminal Justice Act 1988.

Officers had received a Criminal Record Bureau check in respect of the applicant. The check had revealed that the driver had received a caution from Lancashire Constabulary for an offence of battery contrary to sec. 39 of the Criminal Justice Act 1988 and contrary to the Council's hackney carriage and private hire drivers conditions, the driver had not informed the Council.

The driver attended the meeting to give his representations regarding the conviction and an explanation as to why he had not informed the Council.

The Sub Committee considered all aspects of the incident, including the representations made by the driver and the Public Protection Officer and **RESOLVED to take no action, allowing the driver to retain both his hackney carriage driver and private hire driver licences.**

#### **11.LSC.27 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE UNDER SECTION 51 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Director People and Places submitted a report drawing Member attention to the suspension of a Private Hire Driver Licence and Hackney Carriage Drivers Licence under Section 61 (1) (B) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver had contacted the Council with concerns over his health and ability to continue driving private hire and hackney carriage vehicles. The driver explained that he had suffered a heart attack and gave an honest and detailed appraisal of his medical condition and believed that he would not at the present time be in a position to satisfy a DVLA Group II Medical.

The driver was advised not to continue driving and he agreed to the suspension of his PHD and HCD licences, delivering his licences and badges to the Council offices on the same day.

So that the driver could access his entitlement to his private hire drivers and hackney carriage licences in the future without having to undergo a full application, officers had agreed that his licence should remain suspended until he is able to meet Group II Medical Standards,

The driver could not attend the meeting to give representations due to his medical condition.

The Sub Committee considered all aspects of the application, including representations from the Public Protection Officer, who commented that the driver had acted in good faith.

The Sub Committee unanimously **RESOLVED to approve the suspension of the Private Hire Drivers Licence and Hackney Carriage Drivers Licence until the driver is considered a fit and proper person to act as a Private Hire Driver and /or Hackney Carriage Driver, and that the decision to lift the suspension be delegated to officers.**

Chair