

General Licensing Sub-Committee

Wednesday, 21 November 2012

Present: Councillor Marion Lowe (Chair) and Councillors Jean Cronshaw, David Dickinson, Graham Dunn and Ralph Snape

Also in attendance

Officer: Alex Jackson (Senior Lawyer), Matthew Swift (Public Protection Officer), Liz Leung (Senior Paralegal - Trainee Solicitor) and Dianne Scambler (Democratic and Member Services Officer)

12.LSC.69 APOLOGIES FOR ABSENCE

There were no apologies for absence.

12.LSC.70 DECLARATIONS OF ANY INTERESTS

No declarations of any interests were received.

12.LSC.71 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.

12.LSC.72 DRIVER UNABLE TO DEMONSTRATE MEDICAL FITNESS TO DVLA GROUP II STANDARD

The Sub Committee considered a report of the Director of People and Places relating to a driver that had a medical condition. In accordance with the DVLA Group 2 medical provisions the driver was required to undertake an annual medical examination as he was over 65 years of age. The driver's recent medical indicated that he had some coronary artery disease in addition to diabetes which was controlled by tablets and diet.

In light of the information contained within the driver's medical report, it was forwarded to the Council's medical consultant at no cost to the applicant for further consideration as to his fitness of holding a Private hire driver licence.

In addition to the drivers diabetes, Dr Parker raised concerns relating to the a coronary condition and requested that an exercise intolerance test be undertaken by a cardiologist to ensure compliance with the Group 2 medical standard.

The driver had booked an appointment with a cardiologist through a GP. This appointment had been due to take place on 13 August 2012, but was subsequently rearranged by the hospital to 21 August 2012. On 17 August 2012, the driver received a letter from Manchester Royal Infirmary advising this appointment had been rearranged again, this time it had been pushed back until 22 January 2013.

Officers contacted Dr Parker to ascertain the importance of the driver undergoing the test and received confirmation that it was the only way of ensuring that the driver was fit to the DVLA Group 2 standard.

The Committee considered the report from the Public Protection Officer and **RESOLVED to suspend the driver's Private Hire Driver licence with immediate effect under Section 61 (2) (B) of the Local Government (Miscellaneous Provisions) Act 1976 until provide satisfactory evidence was provided to prove that the driver met DVLA Group 2 Medical Standards for the following reasons:**

- **The officer report referred to the recommendation of Dr Parker that the exercise tolerance test was the only way to ascertain if the driver met Group 2 Medical Standards.**
- **No evidence had been received from the driver to cast any doubt on the information and recommendation contained in the officer's report.**
- **Members considered that the suspension of the driver licence was fair and proportionate because it preserves the driver's interest in the licence until he could establish whether he met the required medical standards whilst protecting the public.**

Chair