



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Monday, 26 January 2015

MEMBERS PRESENT: Councillor Marion Lowe (Chair), and Councillors Margaret France, Mike Handley, Mick Muncaster and John Walker

OFFICERS: Jodi Fitzpatrick (Solicitor), Stephen Culleton (Licensing Officer) and Dianne Scambler

APOLOGIES: None

OTHER MEMBERS: None

15.LSC.25 Declarations of Any Interests

There were no declarations of interests received.

15.LSC.26 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.

15.LSC.27 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976

The Sub Committee considered a report of the Director of Public Protection, Street Scene and Community to consider if a driver was a fit and proper person to hold a Private Hire Driver's Licence with regards to his recently completed Group II Medical.

The driver had been required to complete a DVLA Group II Medical in August 2014 having reached the age of 45. The medical had identified a condition that prevented him from meeting the Group II Standards and in response officers had suspended his licence with immediate effect.

It was also noted that the driver had failed to inform the Council of a medical condition during the currency of his Private Hire Drivers licence.

The above matter was taken to a General Licensing Sub Committee on 30 September 2014 and was determined as follows:

- Suspend the driver's private hire driver's licence with immediate effect for the period of 3 months under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

- In the event that the Council's Medical Consultant is satisfied that the results of the Driver's Bruce Protocol Exercise Test are Group II compliant, Members delegate power to the Lead Licensing and Enforcement Officer in consultation with the Chair to lift the suspension and grant any renewal application received.
- In the event that the Council's Medical Consultant is not satisfied with the drivers' results, the matter and any application for renewal will be referred back to a meeting of the General Licensing Sub Committee.

The Council received confirmation that the driver had satisfactorily completed Group II Medical requirements on 31 December 2014 during the Christmas Closure via email. The Council's Medical Consultant indicated that the driver should undergo a repeat exercise tolerance test on a three yearly basis in line with the provisions of the Group II Medical, should he wish to continue driving under this provision.

The driver attended the hearing to give his representations and stated that the determination of his application had been unnecessarily drawn out by the Lead Licensing and Enforcement Officer, especially as the condition stipulated by the Council's Medical Consultant was a standard condition in such cases. However, as was stated in the report Members were aware that only the General Licensing Sub Committee can attach conditions to Private Hire Drivers licences in line with the Council's Constitution.

The Sub Committee considered all the facts brought to their attention and **RESOLVED that the driver was a fit and proper person and that his private hire drivers licence should be approved subject to the following course of action:**

1. **That the Sub Committee AGREE to the renewal of the Private Hire driver licence following the Council's Medical Consultant's satisfaction that the driver meets Group II standards.**
2. **That the Sub Committee AGREE to then revoke the driver's licence with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, and immediately**
3. **GRANT a Private Hire Drivers Licence subject to the usual conditions and an additional condition that the applicant if he chooses to renew his licence in three years and on any occasion thereafter must undergo a Bruce Protocol Exercise Tolerance Test, the result of which must be satisfactory to the Council's medical consultant; such test to be completed no later than three months before the expiry date of the Private Hire Driver's Licence.**
4. **That delegated power be granted to the Director of Public Protection, Street Scene and Community or the Chief Officer at that time with responsibility for Licensing to renew the said Private Hire Drivers licence on receipt of application and confirmation from the Council's Medical Consultant that the tolerance test results are satisfactory.**