

General Licensing Sub-Committee

Wednesday, 7 October 2015

Present: Councillor Roy Lees (Chair), Councillor (Vice-Chair) and Councillors Margaret Lees, Matthew Lynch, Mick Muncaster and Ralph Snape

Also in attendance

Councillors:

Officer: Elizabeth Walsh (Solicitor), Lesley Miller (Regulatory Services Manager) and Dianne Scambler (Democratic and Member Services)

15.LSC.43 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interests.

15.LSC.44 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.45 APPLICATION FOR THE GRANT OF A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE UNDER SECTION 51 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND SECTION 46 OF THE TOWN AND POLICE CLAUSES ACT 1847

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether or not, the applicant was a fit and proper person to hold a private hire drivers and hackney carriage drivers licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847.

The applicant already held Private Hire and Hackney Carriage Drivers licences and a Hackney Carriage Vehicle licence with Rossendale Borough Council which had been granted in December 2014. The applicant currently worked for Coopers Taxis, a Chorley based Private Hire Company and was dispatched as a Private Hire Vehicle under the Act of 1976. The applicant had a number of convictions recorded against him which prevented officers using delegated authority to grant the application.

The applicant attended the meeting with his legal representative, and his current employer. The applicant had disclosed within his application a number of convictions that were recorded against him that was detailed within the report. The applicant had attended the Council's offices on 14 September 2015 to assist officers in understanding the nature and content of the offences recorded and explanations were provided within the report. Further explanations were also given by the applicant at the Committee meeting.

The applicant, his legal representative and his employer answered questions of the Committee. His employer submitted a letter of support and also spoke at the Sub Committee meeting in support of the applicant, saying that he was a competent driver for his company, had driven for them for around 8 months and had a secure future with the firm. He and his partner had found the applicant to be extremely trustworthy and was a valuable member of the team, often going out of his way to help other people.

The applicant stated that he had no recent convictions and no court appearances scheduled. He explained that the troubles he had experienced were all in his past and he had overcome very personal circumstances to get where he was today. The applicant was now married with children and had a family to provide for.

The Committee were satisfied with the applicant's explanation for the circumstances surrounding his convictions and noted that he had turned his life around. They were also impressed by the attendance of his employer to support his application.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED that the applicant was a fit and proper to hold a private hire driver and hackney carriage driver's licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and that his application should be approved subject to the requirements of the standard conditions for the following reasons:**

Members considered the Council's Policy on previous convictions which envisages rehabilitation periods of between 5 and 10 years, which require a substantial period to elapse before the applicant can be considered again for a private hire and hackney carriage driver licence. In light of this Members noted that:

- a) **Almost eleven years have elapsed since the applicants convictions and the grant of a taxi driver licence was therefore with the Council's policy on previous convictions under paragraph B.1.3.2.**
- b) **The applicant has not been convicted of any further offences in the intervening period and has expressed remorse.**

15.LSC.46 SUSPENSION OF A DRIVER'S LICENCE UNDER SECTION 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether or not the driver was a fit and proper person to continue to hold his private hire and hackney carriage drivers licences under Section 61 of the Local Government (Miscellaneous Provisions) Act 196 – suspension of driver licences.

The driver had been granted his private hire and hackney carriage driver licences on 27 January 2006, having at that time completed a Group II Medical. The driver had continuously renewed his entitlement to his licences and currently held a Chorley Council Private Hire Drivers licence (PHD0843) and Hackney Carriage Drivers licence (HCD0335), both licences would expire on 26 January 2017.

On 14 July, the Council wrote to the driver advising him that he was required to complete a DVLA Group II Medical by 30 August 2015. The driver completed the medical on 18 August 2015 but failed to meet the medical standard required. Officers responded by suspending the driver's (PHD0843) and (HCD335) licences on 24 September 2015.

The Council's Medical Advisor deferred a decision on the driver's medical, to ask for further information relating to the management of his diabetes as it was evident from the completed medical that the driver had from 8 April 2013 been managing his diabetes by use of insulin, indicating that he now had Type 2 diabetes.

In order to meet the strict standard to be able to drive within the Group II criteria, the driver needed to satisfy the Council's Medical Advisor that he is aware of and able to manage the condition so that he posed no risk to himself or others. To date the information had not been provided.

The driver attended the meeting, along with his legal representation to answer questions of the Sub Committee. The driver provided evidence of his own management records of his diabetes and was aware that he needed to check his levels on a more regular basis when out driving. He also provided the Committee with a letter that a Doctor had signed stating that he was fit to drive.

However, the driver did not present the evidence that had been requested of him by the Council's Medical Advisor so that he could take a view on whether or not he was fit to drive a taxi under the Group II Medical conditions. The Council's legal advisor explained to the driver, how this evidence could be obtained and why it was important.

After careful consideration and taking into account all the relevant factors the Sub- Committee **RESOLVED to continue with the driver's license suspensions until 23 November 2015 that had been made by officers until such a time as the driver could satisfactorily meet the DVLA Group II Medical requirement - written evidence of the monitoring of his Type 2 Diabetes by medical professionals who specialise in Diabetes to be provided within the timescale.**

The driver was advised that this could be held electronically or by written record by his GP practice or at the hospital but that it was up to himself to request. Obtain and submit this evidence as part of his medical assessment requirements. This information will then be examined by the Council's Medical Advisor.

Delegated power will be given to the Director of Public Protection, Streetscene and Community officer (at that time with the

responsibility for licensing) to lift the suspension notice when satisfied that the provisions have been met.

Delegated power will also be given to the Director of Public Protection, Streetscene and Community officer (at that time with the responsibility for licensing) to revoke the licence should the driver fail to produce the sufficient medical evidence needed or the Council's Medical advisor is not satisfied that the driver is DVLA Group II medical compliant to drive, with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Members noted that the driver had informed his insurance company that he had diabetes however, Members were unsure if they were aware that his condition had changed to Type 2 diabetes and asked for a note to be placed on his licensing file.

Chair