



MINUTES OF	GENERAL LICENSING SUB-COMMITTEE
MEETING DATE	Wednesday, 4 November 2015
MEMBERS PRESENT:	Councillor Roy Lees (Chair), Councillor (Vice-Chair) and Councillors Jean Cronshaw, Margaret France, Anthony Gee and Hasina Khan
OFFICERS:	Elizabeth Walsh (Solicitor), Stephen Culleton (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)
APOLOGIES:	None
OTHER MEMBERS:	None

15.LSC.47 Declarations of Any Interests

No declarations of any interests were received.

15.LSC.48 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

15.LSC.49 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.50 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 - Suspension of a drivers licence

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 licence (PHD0245) following his suspension on 9 October 2015 following his confirmation that he was receiving treatment for Sleep Apnoea.

The driver was first granted his Private Hire Driver's Licence in December 1999. Having reached the age of 65, he was required to complete a DVLA Group II medical every 12 months and had submitted his last medical on 19 December 2014. The Council's Medical Advisor had advised that the driver was fit to drive at that time.

On 20 September 2015 and in accordance with paragraph 29 on his driver's licence, the driver wrote to the Council stating that he had ceased driving whilst he was undergoing some medical procedures and upon further investigation by council officers it was confirmed on 29 September 2015, that he was being treated for Sleep Apnoea.

The driver also verbally confirmed that he had telephoned the DVLA in early September to inform them of his condition following his diagnosis and stated that he had been told that he could carry on driving as he was receiving treatment. Officers advised that this advice was in line with Group I driver licences and as he did not hold entitlement for HGV or PSV vehicles that would indicate to the DVLA that Group II standard advice would not apply. There would be no reason why the DVLA would know that the driver was subject to Group II standards in this regard and the Sub-Committee advised him to contact them further regarding this matter.

The Council's Medical Advisor advised that the driver's PHD0245 private hire driver's licence should be revoked, as the Council upholds the standards imposed under the DVLA Group II medical – driving must cease until satisfactory control of symptoms has been attained, with ongoing compliance with treatment, confirmed by consultant/specialist opinion. Regular, normally annual, licensing review required.

Following this advice the Director of Public Protection, Streetscene and Community suspended the driver's PHD0245 driver licence on 9 October 2015 with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 and the Sub-Committee were provided with a copy of the suspension notice for their information.

It is evident from a previous medical, that the driver had been diagnosed with suspected Sleep Apnoea in 2004; information contained in a letter by his consultant at that time indicated that he had been referred for sleep studies as he showed symptoms of possible obstructive sleep apnoea. There is no evidence from his records that this matter had been resolved. Members did note that the Council's procedures at that time were not as robust as the current procedure is today; however, the provision for a driver to inform the Council of any changes in their medical condition was still as relevant as it is today. The driver stated that he was monitored at the time but received no further correspondence regarding the matter and took that to mean that there was no further requirement for him to receive any further treatment for Sleep Apnoea.

On 16 October 2015, the driver provided the Council with a letter from his consultant which was forwarded on to the Council's Medical Advisor for consideration. At the meeting the licensing officer circulated the response which asked for further information to be provided before further advice could be issued. Having only just seen sight of this request himself, the driver strongly objected to a decision being made under these circumstances and the Members of the Sub Committee agreed. They did however, take the opportunity to ask questions of the driver about his condition and the treatment he was currently undertaking.

After careful consideration and taking into account all the relevant factors, the Sub-Committee **RESOLVED to continue with the driver's licence suspension until such a time that he could satisfactorily meet the DVLA Group II Medical requirements. The Council's Medical Advisor had insufficient evidence to advise the Council further on this matter. The driver is required to obtain the following**

details requested by the Council's Medical Advisor from his GP and a copy of every specialist letter concerning his sleep apnoea, in particular:

- **Date of diagnosis since 2004**
- **Date of referral to specialist**
- **Date of starting CPAP**
- **Compliance information from the specialist**
- **When the sleep apnoea began to effect driving**
- **When the DVLA was informed**

Delegated power 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 responsibility for licensing) to revoke the licence should the driver fail to produce the sufficient medical evidence asked for, or the Council's Medical Advisor is not satisfied that the driver is not DVLA Group II medical compliant to drive, with immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

Chair

Date