

General Licensing Sub-Committee

Tuesday, 2 December 2008

Present: Councillor Iris Smith (Chair) and Councillors Doreen Dickinson, Anthony Gee, Debra Platt and John Walker

08.LSC.17 DECLARATIONS OF INTEREST

None of the Sub-Committee members declared an interest in any of the items for discussion on the meetings agenda.

08.LSC.18 MINUTES

RESOLVED – That the Minutes of the meeting of the General Licensing Sub-Committee held on 2 December 2008 be confirmed as a correct record and signed by the Chair.

08.LSC.19 EXCLUSION OF PRESS AND PUBLIC

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 to the Local Government Act 1972.

08.LSC.20 FAILURE OF APPLICANT FOR PRIVATE HIRE LICENCE TO MEET MEDICAL STANDARDS

The Sub-Committee received a report from the Corporate Director of Governance bringing to the attention of Members an application submitted by Mr A M T to drive a private hire vehicle and his failure of his Group 2 medical on the grounds of vision.

The Sub-Committee was asked to consider the content of the report and to determine whether the applicant was a fit and proper person to hold a private hire drivers licence.

The report indicated that the Council had adopted Group 2 standard for medical checks on 7 June 2000 and in reaching this decision the Licensing Committee regarded that fitness in this context, takes in not just the technical ability to drive, but also the physical and medical ability of the applicant.

The current best practice was contained in a DVLA publication for Medical Practitioners and recommended that all Group 2 medical standards applied by DVLA in relation to bus and lorry drivers should also be applied by local authorities to taxi drivers.

The report also pointed out that the legal basis of fitness to drive lies in the 2nd EC Directive on driving licenses (91/439/EEC), which came into effect in the UK in January 1997, the Road Traffic Act 1988 and the Motor Vehicle (Driving Licences) Regulations 1999.

Group 2 medical standards for eyesight are – new applicants are barred in law if the visual acuity, using corrective lenses if necessary, was worse than 6/9 in the better eye or 6/12 in the other eye. Also the uncorrected acuity in each eye must be at least 3/60.

In the applicants case medical examination recorded visual acuities of uncorrected vision of 6/6 in his right eye and no visual acuity in his left eye. He therefore did not meet group 2 medical standards because he has a prescribed disability, which was a legal bar to holding a licence, which was issued under group 2 medical standard.

The applicant appeared before the Sub-Committee to make representations and answer questions from the Members

RESOLVED - That after careful consideration of the representations made in respect of the applicant the Sub-Committee unanimously agreed not to grant a licence to drive private hire vehicles as it was considered that there were no exceptional circumstances, given his failure to meet Group 2 medical standards and the legal bar to the holding of a licence.

08.LSC.21 PRIVATE HIRE DRIVER-APPLICATION TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

The Sub-Committee received a report from the Corporate Director of Governance bringing to the attention of Members an application by Miss L M H to drive a private hire vehicle.

The report indicated that an applicant for a hackney carriage/private hire driver's licence should be over 21 years of age and have 3 years driving experience as the holder of a full driving licence.

The applicant's date of birth was 17 December 1983 and her driving licence stated that she had a full driving licence since 27 June 2006 with no driving offences and a Criminal Records Bureau check revealing that she had no convictions.

The applicant attended the meeting to make representations and answer questions from the Committee.

RESOLVED - That in view of the experience the applicant had gained driving for care homes and carers she was considered to be a fit and proper person to hold a hackney carriage/private hire licence and therefore be granted a licence.

08.LSC.22 APPLICATION TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

The Chair accepted as urgent, consideration of this item not included on the agenda in order for Members to determine an application to drive a hackney carriage/drivers licence as the next Sub-Committee meeting was not until 7 January 2009.

The Sub-Committee received a report from the Corporate Director of Governance bringing to the attention of Members the application by Mr M E for a hackney carriage and private hire drivers licences following the expiry of his previous licence.

The Sub-Committee was requested to consider the content of the report and determine whether Mr M E should be granted a hackney carriage and private hire and drivers licence prior to his criminal record bureau check and medical being completed. He had held licences since 1990 and he currently held a hackney carriage license, which was due to expire on 28/02/2009. His hackney carriage driver's licence expired on 25/10/2008. He was sent a reminder letter for his hackney carriage drivers licence renewal to his home address on 12/09/08 even though the Council was not obliged to send reminder letters to drivers and was sent as a matter of courtesy. The responsibility to renew the license rests with the driver.

It was explained that when a licence had lapsed there was nothing to renew and a new application must be submitted requiring the driver to undergo a medical check and a criminal record bureau check.

The applicant appeared before the sub-Committee to make representations and answer questions from the Members.

RESOLVED - That after careful consideration of the representations made in respect of the applicant, the Sub-Committee unanimously agreed to grant a licence to drive a hackney carriage and private hire drivers licence as it considered that he was a fit and proper person to hold a licence. The Sub-Committee considered that the applicant had already passed his medical and although the Council was waiting for a Criminal Record Bureau check, no issues had been raised previously. The Sub-Committee took into consideration the applicant had held licences since 1990 and that he was of good and honest character.

Chair