

BATH AND NORTH EAST SOMERSET COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 4th June, 2013, 10.00 am

Councillors: Gabriel Batt, Manda Rigby (Chair) and Roger Symonds

Officers in attendance: Enfys Hughes, John Dowding (Senior Licensing Officer) and Maggie Horrill

1 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure as set out on the agenda.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Gerry Curran sent his apologies, Councillor Roger Symonds was his substitute.

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

5 LICENSING PROCEDURE - HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE DRIVERS HEARING

RESOLVED that the procedure for this part of the meeting be noted.

6 EXCLUSION OF THE PUBLIC

RESOLVED "that, having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items(s) of business because of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act, as amended."

7 CONSIDERATION OF CHANGE IN MEDICAL FITNESS - MRS T D

The Sub-Committee considered the report which sought consideration of Mrs TD's medical fitness to continue to hold a combined hackney carriage/private hire driver's licence.

The applicant was not present and had not given any reason for not attending the meeting and had not provided the requested medical evidence having been given ample opportunity to do so. Therefore Members agreed that the issue be heard in her absence.

The Licensing Officer presented the report and stated that as part of the renewal process for her licence Mrs TD had declared that she had angina that was being treated medically. The Council Policy requires applicants to meet the medical standards of a Group 2 (Vocational) driver as laid down by the Driver and Vehicle Licensing Agency (DVLA). Group 2 is more stringent than Group 1 and applies to professional drivers of passenger carrying vehicles (PCVs) including taxi drivers and is justified as these drivers spend longer in their vehicles. Therefore the Licensing Officer had written to her on 8th March 2013 requesting that she get a letter from her GP stating that her angina was controlled and that she could meet the criteria for Group 2. After this letter Mrs D telephoned the office informing them again that her angina was 'medically controlled'. She was told again that the Council needed a letter from her GP confirming this. A further letter was sent on 11th April 2013 stating that as no information had been received the matter would be referred to the Council's Licensing Sub-Committee for its consideration. The criteria for Group 2 drivers who are diagnosed with angina was attached to the report at Annex D.

In the absence of the driver Members asked the Licensing Officer some questions. He confirmed that Mrs TD had informed Licensing of her medical condition when she renewed her licence.

The Licensing Officer left the meeting room and the Sub-Committee considered the matter.

Following the adjournment the Licensing Officer was invited to rejoin the Sub-Committee. He was advised that Members had considered the information before them and on the balance of probabilities found that Mrs TD was not a fit and proper person to hold a combined Hackney Carriage/Private Hire Drivers Licence and that the Sub-Committee had

RESOLVED that the combined Hackney Carriage/Private Hire driver's licence of Mrs TD be revoked under section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety.

Reasons for the decision

Members considered the report of the Licensing Officer with regard to the disclosure by Mrs TD of her medical condition on her application to renew her combined Hackney Carriage/Private Hire Drivers Licence. In doing so they took into account the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, the Human Rights Act 1998, the Equalities Act and case law.

Members were concerned that Mrs TD, who was licensed to drive a hackney carriage/private hire vehicle, had a medical condition that could impair her driving. Though it had been requested, Mrs TD had provided no letter from her GP confirming that she is medically fit enough to meet the standards for a Group 2 driver. She had been given ample opportunity to do this. They were also concerned about the length of time she may have had this condition as she had not informed the department until renewal of her licence. Members were concerned that Mrs TD was not taking the matter seriously and had not provided any written evidence as to how her condition was controlled. She was advised that the matter would be put before the Licensing Sub-Committee but had not taken the opportunity to attend and

had not given any reason as to why she did not attend. Members considered that without confirmation as to Mrs TD's fitness from her GP they were of the view that she is not a fit and proper person to continue to hold a combined Hackney Carriage/Private Hire Driver's Licence and were not satisfied that a member of their family or a loved one would be safe in a taxi driven by Mrs TD. Members considered that their decision was proportionate in light of the above and in the interests of public safety.

8 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE:- MR R M R

The Sub-Committee considered the report which sought determination of an application by Mr RMR for the grant of a combined hackney carriage/private hire driver's licence.

The applicant was present. He confirmed he had read and understood the procedure for the meeting.

The Licensing Officer presented the report and stated that as part of the application process a Disclosure and Barring Service check was undertaken which had revealed a number of previous convictions. He circulated the Disclosure and Barring Service check, personal statement and references for Mr RMR. The applicant and officer withdrew from the meeting while Members took some time to consider these documents.

Mr RMR put his case and was questioned. Mr RMR then made a closing statement.

Following an adjournment it was

RESOLVED that a hackney carriage/private hire driver's licence be granted in respect of Mr RMR, subject to the standard terms and conditions.

Reasons for the decision

Members determined an application by Mr RMR for a combined hackney carriage/private hire driver's licence. In doing so they took into account the Local Government (Miscellaneous Provisions) Act 1976, the Council's Policy, the Human Rights Act 1998, the Equalities Act and case law.

Members listened carefully to Mr RMR's representations, had regard to his Disclosure and Barring Service check, his written statement and references. Members noted that the convictions though serious were historic, occurring over 35 years ago, and fell outside the Council's Policy and Home Office Guidelines. They noted that before being made redundant he had been employed for 19 years with the same company and since that time he had found employment with his son's taxi firm. They therefore found Mr RMR to be a fit and proper person to hold a combined hackney carriage/private hire driver's licence and were satisfied that a member of their family or a loved one would be safe in a car driven by him.

The meeting ended at 11.25 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services