

Regulation and Review Committee Panel

14 March 2019

Present: Councillor J Hunter (in the Chair)
Councillor J Allan, D Cox and J Mole.

RQ67/03/19 Apologies for Absence

Apologies for absence were recorded for Councillor John Stirling.

RQ68/03/19 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

RQ69/03/19 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test in accordance with Part 2 of Schedule 12A the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

RQ70/03/19 Private Hire Drivers Licence Appeal – Mr L

The Committee received a report by the Senior Manager, Technical Services which outlined the background to an appeal by Mr L against the decision of the Authority to refuse to renew his Private Hire Driver Licence on the grounds that it was not satisfied that he was a fit and proper person to hold this licence.

Mr L was not in attendance as he had an exam at the same time as the meeting. When he had realised that there was a clash he had requested the matter be deferred to the next meeting.

Officers raised no objection to the deferment.

Resolved that the consideration of Mr L's case be deferred until the next panel meeting of the committee.

RQ71/03/19 Private Hire Driver Licence Disciplinary Referral – Mr F

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a Private Hire Vehicle drivers licence, Mr F. The Committee was requested to assess Mr F's continued suitability to carry out the duties of a licensed driver.

14 March 2019

Mr F attended the meeting and was accompanied by a representative, Mr W.

The Licensing Officer presented the report to the Committee which included information on the reason for the referral and Mr F's criminal and licensing record. It was noted that additional supporting information had been circulated after the publication of the agenda.

The Licensing Officer then answered questions from Members of the Committee.

Mr W sought clarification from the Licensing Officer on a number of points.

Mr W and Mr F then addressed the Committee.

Members of the Committee asked questions of Mr F and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr W, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

In determining its response the Committee took into account all that had been presented and contained within the papers submitted to the meeting and had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee determined that due to the circumstances of the case, a warning was the most appropriate sanction and would be sufficient deterrent to avoid repetition.

Resolved that Mr F be issued with a written warning and reminded of the responsibilities which come with holding a Private Hire Drivers Licence.

RQ72/03/19 Private Hire Driver Licence Disciplinary Referral – Mr B

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a Private Hire Vehicle drivers licence, Mr B. The Committee was requested to assess Mr B's continued suitability to carry out the duties of a licensed driver.

Mr B attended the meeting and was accompanied by a colleague, Mr L.

The Licensing Officer presented the report to the Committee which included information on the reason for the referral and Mr B's criminal and licensing record.

The Licensing Officer then answered questions from Members of the Committee.

Mr B and Mr L then addressed the Committee.

Members of the Committee asked questions of Mr B and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr B, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

In determining its response the Committee took into account all that had been presented and contained within the papers submitted to the meeting and had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee determined that due to the circumstances of the case a suspension would act as a sufficient deterrent to avoid repetition of the behaviour and allow Mr B time to amend his driving style whilst not carrying members of the public and remind himself of the Highway Code.

Resolved that Mr B's Private Hire Drivers licence be suspended for a period of four weeks.

RQ73/03/19 Private Hire Driver Licence Disciplinary Referral – Mr M

The Committee considered a report by the Senior Client Manager, Technical and Regulatory Services which outlined the background to a referral relating to the holder of a Private Hire Vehicle drivers licence, Mr M. The Committee was requested to assess Mr M's continued suitability to carry out the duties of a licensed driver.

Mr M attended the meeting.

The Licensing Officer presented the report to the Committee which included information on the reason for the referral and Mr M's criminal and licensing record.

The Licensing Officer then answered questions from Members of the Committee.

Mr M then addressed the Committee.

Members of the Committee asked questions of Mr M and sought clarification on a number of matters.

Following a summing up from the Licensing Officer and Mr M, all parties left the meeting room to enable consideration of the matter to be undertaken in private.

The options available to the Committee were to:

- take no action;
- issue a warning as to the driver's future conduct;
- suspend the driver's licence; or
- revoke the driver's licence.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it.

In determining its response the Committee took into account all that had been presented and contained within the papers submitted to the meeting and had regard to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Hackney Carriage and Private Hire Licensing Policy, in particular chapter 7 which makes reference to convictions, cautions, conduct and medical fitness.

The Committee considered that it was an established principle that a licence was a privilege and not a right and seriously considered all the options available to it. Taking all that had been presented to the Committee and contained within the papers submitted to the meeting, the Committee determined that it did not have sufficient information to make a decision and needed further evidence in relation to the matter to be able to do so.

Resolved that a) Mr M's case be deferred to allow the Licensing Team to obtain additional written evidence from Newcastle City Council and Northumbria Police to confirm Mr M's account;

b) should the information on its own provide the members of the Panel sufficient reassurance that Mr M remained a fit and proper person to be licensed by this Authority then, as there were sufficient mitigating circumstances to warrant a deviation from the Policy, he should be issued with a warning as to his conduct and recommended to remind himself of the conditions of his Private Hire Drivers Licence; and

c) should any member of this Panel not be satisfied that the additional information, when provided, was sufficient to agree to b) above, then the case must be considered again at the next available meeting of a Panel when the same Members could attend.