



TAXI AND GENERAL SUB COMMITTEE

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
FRIDAY, 17TH FEBRUARY 2017 AT 10.00 A.M.**

PRESENT:

Councillor D.W.R. Preece - Chair

Councillors:

Mrs K.R. Baker, Mrs G.D. Oliver

Together with:

M. McSherry (Licensing Manager), A. Dicks (Assistant Licensing Manager), T. Rawson (Solicitor), R. Barrett (Committee Services Officer)

Together with:

Licensed driver (Mr X) and his employer

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3. EXEMPT MATTER

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraph 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

4. LICENSING OF HACKNEY CARRIAGE /PRIVATE HIRE VEHICLE DRIVERS

For the reasons disclosed to the Legal Advisor and the Taxi and General Sub Committee, it was agreed that Mr X's employer be permitted to remain in the meeting room with Mr X for the duration of the exempt session.

It was explained that during the course of a Taxi and General Sub Committee meeting held on 1st February 2017 to consider allegations made against a licensed driver (Mr X), further written evidence was produced in relation to the status of his medical fitness. As a result, the Sub Committee unanimously determined that Mr X's licence should be suspended with immediate effect in the interests of public protection and pending further information from the DVLA in regards to his medical fitness.

Information had since been provided by the DVLA permitting Mr X to retain his DVLA driving licence subject to medical reviews, and it was explained that the reason for the suspension had now been addressed. The Sub Committee were therefore asked to consider the matter of the original allegation placed before them on the 1st February 2017.

The Sub Committee were informed that an allegation relating to the behaviour of Mr X whilst transporting a set of passengers had recently been received by the Licensing Department. This included concerns as to his medical fitness whilst carrying out his duties. In light of this information, the Licensing Authority are required under the Local Government (Miscellaneous Provisions) Act 1976 to consider and determine whether the individual remains a fit and proper person to hold a hackney carriage/private hire vehicle driver's licence.

The Sub Committee considered the report of the Assistant Licensing Manager and the statement attached to that report in relation to the allegations regarding Mr X and the concerns surrounding his medical fitness whilst transporting passengers. The Sub Committee also considered an advice leaflet from the DVLA, together with the Hackney Carriage and Private Hire Licensing Policy, which sets out the fitness criteria for drivers and the relevance of criminal or unsatisfactory behaviour. The Sub Committee carefully listened to Mr X's explanation of the incidents in question, together with the representations made by his employer.

Having regard to the Officer's report and all the representations made, the Sub Committee unanimously RESOLVED that the suspension be lifted and Mr X be allowed to retain his existing licence. Members were of the view that Mr X remains a fit and proper person to hold a hackney carriage/private hire vehicle driver's licence.

The reinstatement of the licence was subject to the condition that Mr X provide the Licensing Department with medical evidence from his treating consultant (to the same standard as that required by the DVLA), confirming his continued fitness to drive, on a six-monthly basis until further notice.

The Legal Advisor informed all parties present that any person aggrieved by the decision had 21 days following receipt of the written Decision Notice to appeal to the local Magistrates Court.

The meeting closed at 11.13 a.m.