

Licensing Committee

A meeting of Licensing Committee was held on Tuesday, 1st March, 2011.

Present: Cllr Bill Woodhead (Chairman), Cllr Dick Cains, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Miss Tina Large, Cllr Alan Lewis, Cllr Mrs Kath Nelson, Cllr Maurice Perry, Cllr Roy Rix

Officers: C Barnes, L Maloney, S Mills, Mick Vaines (DNS); J Nertney, Mrs T Harrison (LD)

Also in attendance: Taxi Drivers and Solicitor

Apologies: Cllr Mrs Eileen Craggs, Cllr Ken Dixon, Cllr Colin Leckonby and Cllr Mrs Ann McCoy

L Declarations of Interest

111/10

There were no declarations of interest.

L Minutes

112/10

The minutes of 7th September, 21st October, 4th November and 23rd November 2010 were signed by the Chair as a correct record.

L Licensing Protocol

113/10

Officer informed Members that a report had been considered at the meeting of the Licensing Committee on 23 November 2010 when Members comments had been received on the draft Licensing Protocol and it had been resolved that the Protocol be referred to Cabinet for approval. The Director of Law and Democracy had advised that there was no requirement under the Council constitution for the licensing protocol to be referred to Cabinet. Members were requested to agree to the protocol been agreed without the need for the matter to be considered by Cabinet.

A member advised that Planning Committee had a protocol, which had expired and needed to be renewed, which was required to go to Cabinet and Council. Members therefore queried why the licensing protocol did not need to be considered by Cabinet or Council.

Members expressed the need to ensure consistency in the adoption of protocols and officers were requested to seek clarification from the Director of Law and democracy on this issue and a further oral report be brought back to the next meeting.

RESOLVED that the Principal Solicitor will speak with the Director of Law and Democracy to convey Members concerns and will report back to Members.

L The Licensing Act 2003 - Minor Variation Applications

114/10

Members considered a report that informed of the delegated decisions that had been taken by officers in relation to minor variation applications under the Licensing Act 2003 for the period October - December 2010.

Members were reminded that at the meeting held on 27 April 2010 Members considered a report on the number of minor variation applications determined by

officers under the Licensing Act 2003 using delegated powers.

At that meeting Members agreed that there be no change to the delegated powers but requested that future update reports provided more details of applications that had been refused.

Members were advised that since the last report a further thirteen applications for minor variations had been received of which one had been refused. A list of the premises that had been subject to minor variation applications was provided to Members.

The one that was refused was in respect of an application to remove a condition requiring all alcoholic products exposed for sale to be marked or labelled with the name and address of the shop and involved the potential to impact adversely on the prevention of crime and disorder and public nuisance objectives. This condition had been imposed at a previous Licensing Sub Committee hearing following representations from local residents.

Members were advised that an application for full variation had come back which was being considered. Members queried whether reasons for not wanting to comply had been provided and were advised that it was due to the fact that there had been no incidents of anti-social behaviour or littering relating the applicant's premises.

Officers advised that the matter was being consulted on.

RESOLVED that the report be noted.

L Exclusion of the Public

115/10

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

L Private Hire Driver - S.T.

116/10

Members considered a report to determine what action to take in respect of a licensed private hire driver who had failed to submit an application to enable his three yearly criminal record check to be carried out and who was currently suspended.

Mr S T was a licensed private hire driver. He had held a licence since August 2004 and his current licence was due to expire on 31 August 2011.

As part of the process to ensure drivers were still considered to be a fit and proper person to hold their licence they were required to submit to an enhanced criminal record check with the Criminal Records Bureau every 3 years.

Mr S T was written to and advised that his next check was due on 21 October 2010 and requested to complete and submit the appropriate form to enable this check to be carried out. He failed to complete the application so a reminder letter was sent to him on 25 November 2010.

Despite these letters Mr S T failed to return his completed forms and this resulted in his private hire drivers' licence being suspended by the Trading Standards and Licensing Manager using his delegated powers on 3 February 2010.

To date Mr S T had still not made contact with the Licensing Office or completed his application for a criminal record check or returned his driver badges.

Members were reminded of the powers available to them under the provisions of Section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council could suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 which if public safety was deemed to be an issue allowed Members to resolve that any suspension or revocation should have immediate effect.

Mr S T had been invited but did not attend the meeting.

RESOLVED that:

1. Mr S T's Private Hire Drivers Licence be revoked under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.
2. Public Safety was an issue and therefore the revocation take immediate effect under Section 61(2)(B) Local Government (Miscellaneous Provisions) Act 1976.

**L
117/10 Private Hire Driver - S.W.**

Members considered the report to determine what action to take in relation to a licensed Private Hire Driver who had been convicted of two offences and did not inform the licensing department as per his licence conditions. Mr S W had also received two complaints from members of the public regarding his attitude and manner of driving and in addition had been witnessed by officers of the licensing team smoking and using his mobile phone whilst driving a licensed vehicle.

Mr S W was a licensed private hire driver and had been since December 2008, his current licence expired on 31 December 2011.

On the 22 January 2011 Mr S W was observed smoking in his taxi. A Licensing Officer spoke to Mr S W at the roadside, Mr S W justified smoking in his vehicle as he had "knocked off", it was explained that smoking in the work place was not permitted at anytime and a warning letter was issued.

Mr S W was interviewed on the 19 January 2011 regarding the complaints and convictions, which were detailed in the report. A summary of the transcript of the interview was provided to Members.

On the 17 January 2011 a complaint was received from member of the public. The complainant stated that he narrowly avoided a collision with Mr S W on the

evening of Saturday 15 January 2011. A statement was taken from the complainant stating he believed Mr S W missed out the roundabout at Oxbridge Lane / Oxbridge Avenue after he was overtaken on the inside lane on Oxbridge Avenue. The complainant also claimed he witnessed Mr S W continually driving over the 30 MPH speed limit and then overtake another vehicle on a pedestrian crossing. The complainant felt so strongly about what he saw he told an on duty police officer parked near to his home, straight after the incident. However the complainant was dissatisfied with the police response so also informed the Licensing department. Members were provided with a copy of the statement. During interview Mr S W confirmed he was driving on that evening but said he was busy that evening and could not recall the incident. Mr S W denied ever missing out the roundabout in this location.

On the 12 January 2011 a Licensing Officer observed Mr S W using a mobile phone whilst driving. Mr S W drove past 16 Church Road, down towards the police station and came back a minute later, still using the mobile phone and drove past this building again. The Licensing Officer contacted Mr S W who attended the office that afternoon; Mr S W admitted using his mobile phone, to give his wife who was also a licensed driver with this authority, directions. During interview Mr S W said he was 'terrible' for charging his hands free kit, and that he would not normally use his mobile phone whilst driving.

On the 11 January 2011 a complaint was received from 2 female employees of SBC who both made statements which detailed an incident at Lawson Street Medical Centre Car Park that day. It was claimed that Mr S W swore at one of the females and after he had picked passengers up from the centre, drove back past the female and gestured with his hand and using inappropriate language. The complainant also stated that she observed the driver, drive along the pavement using his mobile phone. Copies of the statements were provided to Members. During interview Mr S W confirmed he was driving on that day and he picked up passengers from the location, booking records were also received from the taxi company confirming this. Mr S W admitted to driving along the pavement and swearing at a female, but denied using inappropriate language and claimed he only used his mobile phone when his vehicle was stationary. Mr S W again confirmed that he had not charged his hands free kit again this day.

On the 1 September 2010 Mr S W received an oral warning from a Licensing Officer after a member of the public reported a "journey from hell" to the police. The complainant accused Mr S W of speeding, tailgating and had to ask him to slow down. The decision was taken to only issue an oral warning when the complainant expressed a wish not to pursue the matter. In interview Mr S W remembered the incident but insisted the customer was drunk and despite the customer making a complaint to the police and the taxi company, there was nothing wrong with his manner of driving.

On the 24 April 2010 Mr S W was convicted of speeding and received a further 3 DVLA points, at the time taking his total number of DVLA points to 7. Mr S W did not inform this department of his conviction as per his licence conditions. This conviction only came to light on the renewal of Mr S W's Private Hire Driving Licence in January 2011. In interview Mr S W said he was caught by the police doing 90mph on the A19 when he was late for a job. When asked why he had not notified this department of the conviction Mr S W said he had totally

forgotten although he then went on to confirm he was well aware he needed to inform this department in writing. Mr S W had 3 live DVLA penalty points on his driving licence.

On the 10 Feb 2010 Mr S W was convicted of 'failing to stop for a police constable' for which he was fined £210 pounds, £15 Surcharge and costs of £135. The incident happened on 11 Nov 2009, and Mr S W did not inform this department as per his licence conditions. In interview Mr S W claimed he was driving out of his residential road, a police vehicle was parked at the end of the road and a police officer was stood outside the vehicle. The police officer was on his mobile phone but held his hand up towards Mr W's vehicle. Mr S W did not realise the police officer wanted him to stop his vehicle but pleaded guilty at court for this offence. Mr S W claimed he said he did post notification of this conviction to us; however there was no record of receiving this notification and Mr S W had no proof of postage.

Mr S W had been licensed with this authority since December 2008. He had already attended licensing committee after receiving a conviction for 'using threatening abusive insulting word or behaviour with the intent to cause provocation', and was suspended on 12 November 2009. This suspension was lifted on 2 December 2009 after he had completed two sessions of anger management counselling. At the time police provided reports of many other alleged road rage incidents. Members were provided with copies of minute 58/09 which referred and a copy of the decision letter and lift of suspension letter.

Members were reminded of the powers available to them under the provisions of Section 61 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council could suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver.

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 which if public safety was deemed to be an issue allowed Members to resolve that any suspension or revocation should have immediate effect.

A copy of the adopted guidelines on the Relevance of Convictions, cautions, reprimands, warnings and complaints and character was provided to Members.

Mr S W attended the meeting. A witness attended and gave evidence in relation to one of the complaints; however the two witnesses in relation to another complaint had not been able to attend and their statements were taken into account by the Members.

RESOLVED that Mr S W's Private Hire Licence be revoked with immediate effect.

After considering all of the written and oral evidence the Committee found that Mr S W's record since been licensed as a driver left a lot to be desired. Mr S W had previously appeared before the Licensing Committee in relation to his anger management issues and his licence had been suspended for him to receive counselling to address these issues. At that time the Committee were of the view that there was sufficient evidence to revoke his licence but they gave Mr S

W the benefit of the doubt by giving him the opportunity to receive counselling for anger management. Mr S W completed this and was advised in a letter dated 02 December 2009 that he should "be aware of the serious consequences he may face, should he be brought to the attention of the Licensing Authority in the future". Despite this warning and his previous disciplinary record the Council has received a number of further complaints about Mr S W behaviour and fitness to hold a licence.

The Committee noted that there was evidence that Mr S W had driven on more than one occasion while using a handheld mobile phone. The use of a handheld mobile phone while driving is both illegal and a matter of public safety. Mr S W had been observed smoking in his vehicle which is also illegal. There had been a number of complaints about Mr S W's manner of driving which included allegations that he had driven in a reckless manner and had driven with excessive speed. Mr S W had displayed rude and abusive behaviour to members of the public while driving his licensed vehicle. On top of all these Mr S W had also received two criminal convictions, one for speeding and one for failing to stop for a police constable. To aggravate this Mr S W had also failed to adhere to your conditions of licence and had not reported these convictions to the licensing section.

The totality of all of the disciplinary issues and convictions left the Committee in no doubt that they had reasonable cause to revoke Mr S W's licence under Section 61(1)(b) of the Local Government (miscellaneous Provisions) Act 1976. Mr S W was deemed not to be a fit and proper person to hold a licence.

As some of the complaints received involve Mr S W using a handheld mobile phone while driving and complaints of speeding, which was corroborated by the fact he had received a conviction and a further three points for exceeding the speed limit, public safety was deemed to be an issue and the revocation of Mr S W's licence is deemed to have immediate effect pursuant to Section 61 2(B) of the said Act.

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118/10

Private Hire Driver - N.A.

Members considered the report to determine what action to take in relation to a licensed Private Hire Driver who had received a Section 59 warning from Cleveland Police, due to his manner of driving. Section 59 warnings are for anti social use of motor vehicles, under road traffic legislation.

Mr N A was a Licensed Private Hire Driver with this Authority and had been since July 2008 and his licence was due to expire on the 31st July 2011.

On the 2nd December 2010 at 01.30 hours, Mr N A was observed by the CCTV Centre, driving his private hire vehicle in an irresponsible manner. He was seen pulling into Fantasy Computers car park in Skinner Street, Stockton, speaking with a fellow taxi driver and then following the other vehicle out of the car park and down Skinner Street, towards Yarm Lane, sliding his vehicle in the ice and snow. This behaviour was recorded on CCTV and details were passed to the Licensing Department and Cleveland Police, by the CCTV Centre in Stockton. Members were advised that the weather on that day was snow and ice.

On the 11th January 2011, a Police Officer from Cleveland Police took a copy of the CCTV recording and advised Stockton Council that he would speak with the drivers and advised that Licensing Officers went ahead with their own investigation. The Police later confirmed that following their investigation into this matter they had issued Mr N A with a Section 59 warning for his manner of driving.

On 25th January 2011, Officers at the Licensing Office interviewed Mr N A when he was asked about the incident and asked to provide his version of the events that lead to his manner of driving.

Mr N A advised during the interview that he was at work that evening and finished his shift. He then saw his friend at Skinner Street and pulled in to speak to him. He performed a handbrake turn as he entered the car park on Skinner Street, which he states was to avoid hitting the barriers as the car had gone into a skid at that point.

Mr N A was asked whether this was acceptable behaviour for a licensed driver and he stated that if he was trying to avoid a collision then this behaviour was acceptable.

Following a check of licensing records Members were advised that Mr N A was issued a written warning in December 2008 because of speeding conviction for which he received 8 penalty points. Mr N A referred to this in his interview and advised this was still being dealt with by the Courts as they were not permitted to issue him more than 6 points for this and therefore he was appealing to have this re-examined.

In October 2009, Mr N A appeared before the Licensing Committee as he had received a further speeding conviction, despite the previous warning. This conviction took his total to 11 DVLA points. At that time Mr N A was issued a final written warning by this committee and was advised he was required to undertake the driver improvement course (Minute 43/09 refers). A copy of this warning letter was provided to Members.

Mr N A undertook the driver improvement course in October 2009.

According to Council records Mr N A had not received any customer complaints throughout his time as a licensed private hire driver and the Licensing department were not aware of him receiving any further convictions or reprimands.

Members were reminded of the powers available to them under the provisions of Section 61 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council could suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver.

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 which if public safety was deemed to be an issue allowed Members to resolve that any suspension or revocation should have immediate effect.

A copy of the policy guidelines relating to the Relevance of Convictions,

Cautions, Reprimands, Warnings and Complaints and Character was provided to Members.

Mr N A attended the meeting.

Mr N A confirmed that he got a conviction for a speeding offence which was being disputed in Court.

Discussion took place regarding the handbrake turn, particularly the need for it and the practice required to perfect the manoeuvre.

Members were less concerned with the handbrake turn into the empty car park in the middle of the night than with his driving on the road especially when going on to Yarm Lane. It was confirmed that the section 59 conviction received by Mr N A had been as a result of the speed that Mr N A pulled on to Yarm Lane without pausing to check if the road was clear.

Mr N A advised that he needed to keep his job as a taxi driver to support himself through his University Course he was starting that would lead to a master's degree, which he would have to pay towards on top of the maintenance grant he would receive.

Mr N A advised that he had been to licensing committee before and the committee had given him a chance. He advised that he had learnt his lesson and would not do it again. Mr N A sincerely apologised and advised that he would not do it again.

Members were impressed that Mr N A was taking a degree so he could be a professional worker and who wanted to continue his studies to gain a masters. On top of that, his family supported him but he was doing his part to support himself.

It was noted that Mr N A had been a taxi driver for three years yet there had been no customer complaints made against him.

The Committee noted the CCTV footage that was shown and Mr N A's admission that he had been deliberately driving his car in snowy conditions to see how he could deal with and handle skids. Mr N A accepted that it was not appropriate for him to undertake this type of driving on a public road. Mr N A apologised and assured the Committee that this would not happen again.

The Committee reminded Mr N A that as a professional driver he was expected to show high standards and not engage in reckless activities on the public highway. Mr N A's disciplinary record before the Licensing Committee left a lot to be desired and the Committee remarked that Mr N A seemed to be doing his utmost to get his licence revoked.

After deliberating, the Committee advised Mr N A that on this occasion he was a "hair's breadth" away from having his licence revoked especially given the fact that he had received a previous final written warning in October 2009. The Committee took into consideration his remorse and assurances that he would not appear before them again.

RESOLVED that Mr N A be issued with a final written warning as to his future conduct. Should there be any further examples of bad driving behaviour, speeding or other relevant offences then this will likely result in Mr N A's licence being revoked.

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119/10 Hackney Carriage & Private Hire Driver - S.N.A**

Members considered a report to determine the action to be taken in respect of a licensed hackney carriage and private hire driver who had failed to submit an application to enable his three yearly criminal record check to be carried out and who was currently suspended.

Mr S N A was a licensed hackney carriage and private hire driver. He had held a licence since December 1998 and his current licence was due to expire on 31 May 2011.

As part of the process to ensure drivers were still considered to be a fit and proper person to hold their licence they were required to submit to an enhanced criminal record check with the Criminal Records Bureau every 3 years.

Mr S N A was written to and advised that his next check was due on 21 October 2010 and requested to complete and submit the appropriate form to enable this check to be carried out. As he failed to complete the application a reminder letter was sent to him on 25 November 2010.

Despite these letters Mr S N A failed to return his completed forms and this resulted in his hackney carriage and private hire drivers' licence being suspended by the Trading Standards and Licensing Manager using his delegated powers on 3 February 2010.

To date Mr S N A had still not made contact with the Licensing Office or completed his application for a criminal record check or returned his driver badges.

Members were reminded of the powers available to them under the provisions of Section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council could suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver.

Members were also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 which if public safety was deemed to be an issue allowed Members to resolve that any suspension or revocation should have immediate effect.

Mr S N A had been invited but did not attend the meeting.

RESOLVED that:

1. Mr S N A's Private Hire Drivers Licence be revoked under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.
2. Public Safety was an issue and therefore the revocation take immediate effect under Section 61(2)(B) Local Government (Miscellaneous Provisions) Act

1976.

L
120/10 **Hackney Carriage & Private Hire Driver - I.A.**

Members considered a report to determine what action should be taken in respect to a licensed hackney carriage and private hire driver who had driven a Licensed Hackney Carriage in an inappropriate manner which had resulted in his driving licence being suspended by officers.

Mr I A had been a licensed private hire driver and hackney carriage driver since December 2008, and his current Licence expired on 31 December 2011.

Information was received from the Community Protection CCTV Centre with regard to an incident that had been recorded on CCTV in Yarm Road in Stockton on the afternoon of Christmas Day 2010 at around 2.30pm.

The CCTV showed Mr I A's vehicle travelling well over the 30 mph limit for the road. Mr I A was on the wrong side of the road he was passing a vehicle travelling in the same direction as he did this he had to avoid a traffic island in the middle of the road.

Mr I A narrowly avoided an oncoming vehicle as he swerves back to the correct side of the carriageway. Mr I A then had to brake for the traffic lights at the junction of Yarm Lane and Yarm Road. Mr I A was travelling that fast he was breaking for at least 300 metres on that stretch of road leading to the traffic lights.

Following this information being reviewed by Officers, Mr I A was invited into the office to view the CCTV and to give an explanation as to his actions on that day. Mr I A was interviewed on 11 January 2011 and during the interview he explained that there had been a death in the family and he was on the way to a relative's house.

Mr I A apologised for his actions and stated it would not happen again. Following this interview, officers using delegated powers suspended his hackney carriage and private hire drivers licence with immediate effect in the interests of public safety.

Mr I A's speed by his own admission was about 45 to 50 mph, which was well in excess of the 30 mph for that road. It was estimated from information from Cleveland Police Road Traffic Unit, who had viewed the CCTV recording, that the speed was in fact between 53 and 63 mph. Members were shown footage of the CCTV recording.

Mr I A had been warned previously regarding his manner of driving after he notified the department of a Traffic Signal Offence. The date of that offence was 2 January 2010 and the conviction date 24 June 2010. The basic circumstances surrounding this offence were that he went through a red light and crashed into another vehicle.

It was also relevant that on 12 November 2010 an Officer had cause to speak to Mr I A regarding his manner of driving. Information had been passed to officers that he was driving around drawing attention to himself due to his apparent lack

of regard to speed limits. He was given an oral warning regarding this.

It was also relevant that upon his initial application in November of 2008 he had declared a Careless Driving Offence for which he was given 5 Penalty Points on his DVLA licence in 2007. This was noted during the administration process.

Mr I A attended the meeting along with his Solicitor.

The Solicitor representing Mr I A addressed the committee and advised that the CCTV footage spoke for itself in that Mr I A had just learned of the death of a young child in the family so he had rushed home but there was no excuse. The Solicitor advised that Mr I A funded himself through University but as his licence had been suspended since Jan it was having an impact on his earnings.

The Solicitor advised that Mr I A had taken a driver improvement course at his own choice and had exceeded the requirements of the driving course, a copy of the certificate was provided to Members.

Mr I A acknowledged that he had done wrong and had apologised. He had received a verbal reprimand and did not appeal the suspension.

Members were provided with letters of support from Mr I A's father and course tutor at Teesside University. However Members raised concern that the letter from the course tutor may not be genuine as it did not have the full letter head, the University logo was on the wrong side, there was no contact number and the grammar and style of writing was not what would be expected from a university lecturer.

Mr I A's Solicitor requested that the meeting be adjourned due to the allegation of fraud that required investigation. Mr I A's Solicitor advised that he would contact Mr I A's course tutor himself regarding the allegation and would feed back the information to the Licensing officers.

RESOLVED that the item be adjourned to enable Mr I A's solicitor and the Councils licensing officers to investigate the allegation of fraud in respect of the reference letter provided to the Committee by Mr I A.

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121/10**

Private Hire Driver - I.V.W.

Members considered the report to determine what action should be taken in respect of a licensed private hire driver who had failed to submit an application to enable his three yearly criminal record check to be carried out and who was currently suspended.

Mr I V W was a licensed private hire driver. He has held a licence since December 2007 and his current licence was due to expire on 31 December 2011.

As part of the process to ensure drivers were still considered to be a fit and proper person to hold their licence they were required to submit to an enhanced criminal record check with the Criminal Records Bureau every 3 years.

Mr I V W was written to and advised that his next check was due on 21 October

2010 and requested to complete and submit the appropriate form to enable this check to be carried out. As he failed to complete the application a reminder letter was sent to him on 25 November 2010.

Despite these letters Mr I V W failed to return his completed forms and this resulted in his private hire drivers' licence being suspended by the Trading Standards and Licensing Manager using his delegated powers on 3 February 2010.

Members were advised that since the preparation of this report Mr I V W had now made contact with the Licensing Office and completed his application for a criminal record check and returned his driver badges.

Members were reminded of the powers available to them under the provisions of Section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council could suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver.

Members are also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 which if public safety was deemed to be an issue allowed Members to resolve that any suspension or revocation should have immediate effect.

Mr I V W was invited but did not attend the meeting.

RESOLVED that Mr I V W's drivers licence will not be revoked at this time but that it will remain suspended pending the return of the disclosure at which time a decision will be taken as to whether to lift the suspension or whether a further report to the Licensing Committee will be required.

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122/10

Private Hire Driver - M.T.

Members considered a report to determine what action to take in respect of a licensed private hire driver who had failed to submit an application to enable her three yearly criminal record check to be carried out and who was currently suspended.

Miss M T was a licensed private hire driver. She had held a licence since July 2004 and her current licence was due to expire on 31 July 2011.

As part of the process to ensure drivers were still considered to be a fit and proper person to hold their licence they were required to submit to an enhanced criminal record check with the Criminal Records Bureau every 3 years.

Miss M T was written to and advised that the next check was due on 9 August 2010 and was requested to complete and submit the appropriate form to enable this check to be carried out. As she failed to complete the application a reminder letter was sent to her on 11 October 2010.

Despite these letters Miss M T failed to return her completed forms and this resulted in her private hire drivers' licence being suspended by the Trading Standards and Licensing Manager using his delegated powers on 26 October 2010.

Miss M T had also not collected her driver's badges from the renewal of her licence in August 2010. She was contacted by telephone when she explained that her day time employment made it difficult to attend the Licensing Office in person, which she had to do when submitting a CRB application. She indicated that she was taking time off during the Christmas holidays and would come into the licensing office week commencing 4 January 2011. This was considered acceptable and no further action was taken at that time.

However she did not attend. Further attempts had been made to contact her by telephone without success and an email had been sent to the address given in her application on 13 January 2011 but no reply was received. To date Miss M T had still not made contact with the Licensing Office or submitted her application for a criminal record check.

Members were reminded of the powers available to them under the provisions of Section 61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 the Council could suspend or revoke or refuse to renew the licence of a hackney carriage and/or private hire driver.

Members are also advised of the revisions to Section 61 introduced under the Road Safety Act 2006 which if public safety was deemed to be an issue allowed Members to resolve that any suspension or revocation should have immediate effect.

Miss M T was invited but did not attend the meeting.

RESOLVED that:

1. Miss M T's Private Hire Drivers Licence be revoked under Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976
2. Public Safety was an issue and therefore the revocation take immediate effect under Section 61(2)(B) Local Government (Miscellaneous Provisions) Act 1976.