

Regulatory Panel

Date: Wednesday, 22 September 2021

Time: 16:00

Venue: Council Chamber

Chair: Councillor Mrs Marilyn Bowman

Present: Councillor Mrs Marilyn Bowman, Councillor Dr Helen Davison, Councillor Keith Meller, Councillor Mrs Linda Mitchell, Councillor David Morton, Councillor Paul Nedved, Councillor David Shepherd, Councillor Pete Sunter, Councillor Dr Les Tickner, Councillor Raymond Tinnion, Councillor Miss Jeanette Whalen

Officers: Assistant Solicitor
Licensing Manager

RP.14/21 APOLOGIES FOR ABSENCE

An apology for absence were submitted on behalf of Councillor Miss Lee Sherriff.

RP.15/21 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

RP.16/21 PUBLIC AND PRESS

It was agreed that the items of business in Part A be dealt with in public and the items of business in Part B be dealt with when the public and press were excluded.

RP.17/21 MINUTES OF PREVIOUS MEETING

RESOLVED – It was noted that Council, at its meeting on 14 September 2021, received and adopted the minutes of the meetings held on 14 July and 18 August 2021.
The Chair signed the minutes.

RP.18/21 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

RP.19/21 CONSIDERATION OF A HACKNEY CARRIAGE DRIVER LICENCE
(Public and Press Paragraph 1)

The Licensing Manager submitted a report (GD.60/21) regarding a licenced Hackney Carriage Driver.

The Driver was in attendance.

The Assistant Solicitor outlined the procedure the Panel would follow. The Driver confirmed that he had received, read and understood the Licensing Manager's report. The Assistant Solicitor advised the Driver that he had a right to be represented but he indicated that he would not be so represented.

The Licensing Manager set out the Hackney Carriage Driver's background and detailed the reason for the Driver being brought to the Panel.

The Licensing Manager responded to questions regarding: the status of the Driver's Penalty Points and whether an appeal had been lodged in respect of their imposition.

At the request of the Driver, the Assistant Solicitor read out a written submission to the Panel which covered: the Driver's account of activities he had undertaken and the dates that they had taken place; his views on the Licensing Manager's handling of the issue contained in the report; and, the appropriateness of aspect of information included in the report.

The Driver responded to questions from the Panel.

The Licensing Manager drew Members' attention to the legislation which they must take account of and set out the options for the Panel.

RESOLVED – The Panel had carefully considered and read the evidence in report GD.60/21 and listened carefully to the responses and heard from the Driver.

The Panel were of the view that the Driver had not acted as a fit and proper person, and determined to suspend the Hackney Carriage Driver's Licence for a period of one month as the Members considered that the Driver had not acted as a fit and proper person but were of the view that revocation of the licence would be disproportionate. The reason for the suspension were as follows:

1. There were many inconsistencies in the Driver's evidence regarding dates for having Covid symptoms and taking lateral flow and PCR tests.
2. As a taxi driver with a duty of care to the public the Panel felt the Driver should have carried out regular lateral flow tests during the Covid period rather than only when visiting family Members.
3. The Panel found the Driver's attitude when dealing with the Licensing staff prior over the complaint and during the meeting to be aggressive and inappropriate.

The Meeting ended at: 17:35