

Present

Councillor R Kirk (in the Chair)

Councillor C A Dickinson

Councillor D B Elders

LAHP.5 Exclusion of the Public and Press

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.6 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.6 Application for the renewal of a Hackney Carriage & Private Hire Driver Licence

All Wards

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider whether the licence holder (“D”) was a fit and proper person to continue to hold a hackney carriage and private hire driver licence.

Alternative options considered:

The Panel considered renewing the licence but, having concluded that D had not been able to meet the Group 2 Medical Standards, the only suitable option was to refuse to renew the licence. The Panel was satisfied that there were no suitable alternative options.

The reason for the decision:

The Panel considered the officer’s report, the oral representations of D, the Council’s Hackney Carriage and Private Hire Licensing Policy and the relevant legislation.

The Panel noted that all licensed drivers are required to meet the requirements of the DVLA’s Group 2 Medical Standards in order to demonstrate their medical fitness to drive licensed vehicles.

The Panel was informed that officers had requested a medical assessment from D in March 2022 but received no response.

The Panel was also informed that D contacted officers in July 2022 to discuss the renewal of his licence.

The Panel noted that, following these discussions, D had submitted an application for renewal of his licence on 30 July 2022 along with a medical assessment. The Panel noted that D had not completed a declaration on the application form in relation to his medical fitness. According to the medical assessment, D was experiencing learning difficulties, episodes of confusion and depression, which had apparently led to a three month ban from driving.

The Panel noted that officers had tried and failed to obtain further information from D with regards to his medical conditions. Officers had also tried and failed to obtain a DVLA check code from D in order to verify the accuracy of the examining doctor's statement in relation to D's DVLA driving licence.

D informed the Panel that he had sent the officer's correspondence to his doctor but he was not sure if any action was taken as a result. The Panel was satisfied that the information in the officer's report comprised all relevant material provided by or on behalf of the applicant and the onus was on the applicant to secure the delivery of anything further.

The Panel considered the contents of a letter from DVLA that had been submitted by D in July 2022. According to the letter, D had been asked to either surrender his DVLA driving licence or to give consent to further investigations being carried out in relation to his medical fitness by completing and returning a medical questionnaire within 14 days. The applicant was unable to confirm whether or not he had been disqualified by DVLA but he did confirm that he had been advised to cease driving.

The Panel acknowledged that, in the absence of further information from the applicant, it was not possible to check whether or not D's DVLA driving licence had been disqualified. However, the Panel was satisfied that D had been advised not to drive any vehicles for three months due to depression.

The Panel noted that, in accordance with DVLA Medical Standards, individuals must not drive any motor vehicle for three months following severe anxiety or depression. The Panel noted that no such timeframe is specified by DVLA in instances of mild or moderate anxiety or depression. Accordingly, in the absence of any further information from the applicant, the Panel was satisfied on the balance of probability that D's condition had been regarded as severe by the relevant medical professionals.

The Panel therefore concluded that D would not be permitted to drive any Group 1 vehicles (cars and motorcycles) until he had been well and stable for at least three months. Furthermore, D would not be permitted to drive any Group 2 vehicles (buses and lorries) until he had been well and stable for at least six

months. The Panel noted that the Group 2 criteria applied to licensed vehicles in Hambleton by virtue of the Council's Hackney Carriage and Private Hire Licensing Policy and therefore the six-month period would be applicable in this instance.

The Panel had sympathy for the applicant's medical conditions and it was satisfied that D had been given additional support in this regard. However, the Panel acknowledged its obligations to give priority to public protection in reaching decisions on licensing matters.

The Panel was satisfied, on the basis of the information provided, that D did not meet the requirements to hold a hackney carriage and private hire driver licence. The Panel noted that the Council cannot grant a licence unless it is satisfied that the applicant is a fit and proper person and, for public safety reasons, medical fitness was a critical feature of this assessment. The Panel was not satisfied that D was a fit and proper person at this time and therefore decided to refuse the application for renewal.

The Panel noted that the applicant would be entitled to apply for a new licence in future and D was advised to make enquiries with the Licensing Team if he believed that he could satisfy the application criteria.

The decision:

The Panel refused to renew D's licence for 'any reasonable cause' in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The meeting closed at 10.17 am

Chairman of the Panel