

Licensing Committee

Friday, 9th January, 2015

2.00 - 2.38 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Garth Barnes, Wendy Flynn, Adam Lillywhite, Anne Regan, Rob Reid, Pat Thornton and Jon Walklett
Also in attendance:	Vikki Fennell and Phil Cooper

Minutes

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. PUBLIC QUESTIONS

There were no public questions.

4. MINUTES OF MEETING HELD ON 5 DECEMBER 2014

The minutes of the Licensing Committee held on 5 December 2014 were approved and signed as a true record.

5. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Licensing Officer, Phil Cooper, introduced the report concerning the application from Mr MD Khairul Islam for a private hire driver's licence. He informed members that Mr Islam had passed all of the assessments required by legislation and the Council's policy, but stated that the matter was being brought to the attention of the licensing committee because Mr Islam had failed the County Council Road Safety Unit's driving assessment on four occasions before passing on the fifth attempt. Details of the failures had been circulated to Members on the background papers.

The Officer reminded members to note that whilst the assessor gave a satisfactory mark on the fifth test, comments were still made regarding Mr Islam's driving, specifically with regard to the use of the handbrake, mirrors and recognising signs and hazards.

The Officer advised that members needed to decide whether they were satisfied that Mr Islam was a fit and proper person to hold a private hire or hackney carriage licence. He also pointed out that a further option for members to consider was whether Mr Islam should take the new enhanced Driver Vehicle Standards Agency Test, which the Council had adopted as part of last year's review of the licensing policy, but which was after Mr Islam had made his application.

A member queried whether there had to be a statutory period of time between retaking the driving assessment tests, as in Mr Islam's case these seemed to be very close together except in one instance. The Officer replied that they had no control over when and how quickly someone may choose to retake the tests.

In reply to other questions from members, the Officer stated that he did not know if there was a statutory period of time that one had to wait before retaking a DVLA driving test and he confirmed that there had been no additional comments from the examiner other than those on the background papers.

Mr Islam attended the meeting and spoke in support of his application, saying that he had been nervous on taking the tests and had made mistakes, but that he had taken two lessons, considered his faults and then booked again.

In response to questions from members, Mr Islam advised that:

- He owned a car which was a Nissan Almera.
- He had had a UK driving licence for 4 years and had passed his test on the third attempt. The issues were not the same as in the County Council tests and he passed in Worcester.
- He had a clean licence with no accidents or cautions since passing his test.
- He lived and worked in Cheltenham but drove to and from Cardiff, London, Birmingham.
- Between the August and October tests he had taken two lessons in this period and practised, hence the longer gap in between.
- The recurring reason for failure of the test regarding use of mirrors, was that the examiner said he needed to use his mirrors much more frequently.

A member moved to adjourn to discuss this case.

Before adjourning, the Chair advised members that there was a further option as a resolution, that being:

- Mr Islam's application for a private hire driver's licence be deferred subject to him undertaking the Driver Vehicle Standards Agency's enhanced driving test.
- Subject to the above, Mr Islam's application for a private hire driver's licence be determined under delegated authority by officers.

A member proposed that 'in conjunction with the Chair and Vice Chair' be added to the second amendment above.

In reply to a question from a member as to the nature of the enhanced driving test, the Officer said that this was the Driver Vehicle Standards Agency Test with enhanced specifications for Hackney Carriage drivers. He confirmed that this was higher than the previously used County Council test and was now the test that the Council had adopted.

Members adjourned from the Chamber at 2.15pm.

Members returned to the Chamber with their decision at 2.35pm.

Before the decision was given, the Chairman reported that the committee unanimously had concern about the level of Mr Islam's driving competence and ability and therefore the committee agreed that Mr Islam should carry out all the tests again, including English competence, Highway Code knowledge and driving, as if he were a new applicant and that once these tests had been completed he was to come back before the Committee.

Upon a vote it was unanimous.

RESOLVED, that Mr Islam's application for a Private Hire Driver's Licence be deferred, subject to Mr Islam taking all the relevant tests relating to private hire taxi driving that a new applicant would undertake (as detailed in the paragraph above), after which the matter will come back before Committee for a decision.

As a final note of caution, the Chair advised Mr Islam to get some instruction first before taking these tests.

6. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

None.

7. DATE OF NEXT MEETING

6 February 2015

Roger Whyborn
Chairman