

**LICENSING AND ENVIRONMENTAL HEALTH COMMITTEE held at
COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, ESSEX CB11 4ER, on TUESDAY, 14 AUGUST 2018 at 10.00 am**

Present: Councillor R Chambers (Chairman)
Councillors J Davey and D Jones (In place of E Hicks)

Officers in attendance: M Chamberlain (Enforcement Officer), B Ferguson (Democratic Services Officer), J Jones (Licensing Officer) and E Smith (Solicitor)

LIC32 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under section 100I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 part 1 of Schedule 12A of the Act.

LIC33 DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE

The Chairman introduced the Panel and explained procedure to the driver.

The Panel considered the Licensing Officer's report.

The Council's Licensing Standards state that an applicant must have 'no criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed.' The driver did not meet the criteria. Members were therefore asked to consider whether the driver was a fit and proper person to hold a licence despite the fact he did not meet licensing standards.

In response to a Member question, the driver said the marriage to his first wife had not survived. Her relationship with her father had completely broken down and she later would have problems with drugs. The driver said he had been given custody of the children following their divorce.

The Solicitor asked whether the wife had given evidence for the prosecution against the driver.

The driver said she had not.

The Solicitor asked whether the European Court prosecution was brought by the father, or by the police.

The driver said it was a private legal action and the police had no involvement in bringing the case to court.

At 10.20am, the panel retired to make its decision.

At 10.40am, the panel returned.

The Chairman read out the decision.

Decision:

The driver's application dated 5th April 2018 is for a Private Hire/Hackney Carriage Driver's licence. He is already employed by Dollar/Thrifty as a delivery driver and if successful, his responsibilities could be expanded to cover all aspects of that company's operations.

One of the questions on the Council's application form asks applicants to list all convictions (including motoring offences) both spent and unspent and any police cautions. The driver did not complete this, but told the Licensing Officer that there had been a conviction, but that it was of a sensitive nature and he was not sure how it would be described on the DBS certificate or whether it would come up. He provided the Licensing Officer with full details of the offence and given the circumstances it was agreed that the Council would wait for the DBS certificate to come back, though the driver was advised that given the nature of the offence it was likely that his application would be referred to Committee.

The certificate disclosed two historic convictions, namely a Forgery and Counterfeiting Act conviction in January 1991 for which the driver received a conditional discharge, and one for intercourse with a girl under 16 under S6 Sexual Offences Act 1956 dated 5th March 1999 for which he received a sentence of imprisonment of 9 months suspended over 2 years. This meant that he does not meet Point 5 of the Council's Licensing Standards, which state that a driver must have:-

"No criminal convictions for an offence of dishonesty, indecency or violence in respect of which a custodial sentence (including a suspended custodial sentence) was imposed."

The driver was unable to attend a meeting with the Licensing Officer on 19 June due to a family illness, but did submit a written statement in support of his application which is before us and which we have read carefully. In his statement the driver explains that the offence took place in 1990 when the driver was 19 years old and his girlfriend was two weeks from her 16th birthday. He was in the Royal Navy at the time and would spend his leave at his girlfriend's house with her father's permission. He and his girlfriend had sexual intercourse against her father's wishes and when he found out he decided to press charges.

The case was dismissed by the Magistrates Court on the basis that the father had allowed them to co-habit. The driver and his girlfriend married and had two children, but in 1997 his father-in-law informed them that he would be pursuing the case and in 1998 he applied to the European Court which led to the conviction in 1999. At no time did the driver's then wife support her father's actions and the two are completely estranged as a result. The information we

have around the precise legalities of the events of 1999 is limited but we understand that the plea of autrefois acquit would have been available to him; the 1999 Court action was privately brought and the authorities were not involved having presumably accepted the Magistrates' original verdict. After leaving the Navy in 1992 the driver returned to further education and obtained a BTEC Diploma in IT which led to him gaining employment in security installation as an operations manager. Since then he has worked in a series of positions of trust and is currently studying a BSc (Hons) in computing and IT. The Rehabilitation of Offenders Act 1974 does not apply to all scenarios, and included among these is the holding of Private Hire and Hackney Carriage Drivers licences. However, we have heard from the driver and he has answered our questions frankly. These are serious matters and although they are historic and the driver accepts attitudes have changed, plus we also accept he has held positions of trust since, nevertheless the Rehabilitation of Offenders Act 1974 does not apply to proceedings before this Committee.

However, we have listened to what the driver has to say and note that on its facts, this is an unusual case and accordingly we grant this application, and he will receive the paperwork in due course. We are giving him his chance, and we hope that he will take full advantage of it and not abuse our trust. We do not expect to see him before us again.

LIC34

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE

The drivers in relation to items four and five had not arrived for the meeting. The Chairman therefore took item six as the next item.

The Chairman introduced the Panel and explained procedure to the driver.

The Panel considered the Enforcement Officer's report.

Members were reminded that standard 11 of the Council's licensing standards for drivers' states, 'not to have had a hackney carriage and/or private hire driver's licence revoked within the last three years.' The driver would therefore not have met the Council's licensing standards at the time of his application. Members were asked to consider whether the driver remained a fit and proper person in light of his revocation from Watford Borough Council, which had occurred within the last three years, and the false statement used to obtain a licence from this authority.

The driver said he had made a mistake; he had driven taxis for the past thirteen years and had not received any complaints. He had made a false statement on his application as he was desperate for work and was providing for a disabled son and his disabled mother. He said he had only used cannabis for medicinal purposes following complications of a hair transplant he had undertaken in Turkey. He tabled a letter from his GP stating that he did not use drugs for recreational purposes and that the results of his drug tests were clear. He apologised to the panel for his mistake.

In response to a question from the Chairman, the driver said he had not re-applied for a licence at Watford Borough Council but he had been told he could reapply. He said he had not reapplied as the competition in Watford was high and working there would not be as lucrative as it had been previously. He was currently working for Lockett's of Watford Ltd on school contract work and produced a character reference from his employer for the panel. The driver had also applied for a private hire driver's licence with Transport for London, although this had yet to be granted.

At 11.10am, the panel retired to make its decision.

At 11.30am, the panel returned.

The Chairman read out the decision.

Decision:

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence number PH/HC2301 dated 26th September 2017, in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The three year licence is due to expire on 31st August 2020. We understand he currently works for Locketts of Watford on school contract work.

On 18 June 2018, the Council received an email from the Business Compliance Officer at Watford Borough Council, advising us under S115 Crime and Disorder Act 1998 that the driver had had a hackney carriage licence revoked with immediate effect on 21 July 2017.

The file was immediately referred to the Enforcement Officer and Watford Council (WBC) confirmed that the driver held a dual driver's licence from 25 August 2005 until it was revoked on 21 July 2017.

The reason was that on 20 July 2017, the driver was issued with a warning by Police for possession of a class B controlled substance. The revocation letter from Watford Borough Council contained the following reason for the revocation: 'In accordance with Watford Borough Council's Guidelines on the issuing of licences, sections 1.11 and 10.7 your licence is revoked with immediate effect on grounds of risk to public safety following your warning for possession of class B cannabis received from Police on 20th July 2017 in Market Street, Watford.'

The driver did not appeal this decision.

Standard 11 of Appendix A of UDC's Licensing Standards for Drivers states:_'Not to have had a hackney carriage and/or private hire driver's licence revoked within the last three years.'

The driver would therefore, not meet the Council's licensing standards until 22 July 2020, and we are mindful question 4 of UDC's application form specifically asks 'Have you ever been refused or had revoked or suspended a hackney carriage or private hire driver's licence?'

The driver answered no to this.

Wilfully or recklessly making a false statement to obtain a licence is an offence under section 57(3) Local Government (Miscellaneous Provisions) Act 1976. The limitation period for this offence has expired and hence the driver is only before us today under section 61(1)(b).

The driver attended the Council Offices, Saffron Walden for an informal meeting with the Enforcement Officer on 25 July 2018. The driver was asked if he remembered having his licence revoked by Watford Borough Council and he confirmed that he did. He could not afford to appeal. The driver explained that prior to the offence he had received treatment in Turkey for a hair transplant. This caused him to have difficulties sleeping so he used cannabis for medicinal purposes at home to help him sleep. The driver was aware that cannabis was illegal.

In relation to the offence he explained that on the date in question he was at the rank in Watford and a male approached his taxi and attempted to sell him cannabis. The driver explained that he refused to buy any. The man then threw his bag containing cannabis into the vehicle but the driver threw it back. However, the man was under surveillance by the Police and searched the driver's vehicle, where they found two old cannabis cigarettes. This resulted in the warning.

The driver was shown his application form and he confirmed that he completed it. He was asked why he failed to disclose the revocation of his previous licence by Watford Borough Council and he explained that he was desperate and needed to provide for his family. He also stated that he did not read the declaration on the rear of the application form. The driver also admitted that he did not notify Lucketts of Watford of the cannabis warning when he applied to them. He has also applied to TFL for a private hire driver's licence and admitted that he did not disclose the revocation to them upon application.

We have read the papers before us and we have listened to what the driver has had to tell us this morning. We have also read a letter from his doctor dated 1st March 2018 and one from Lucketts dated 13th August 2018.

However, what we have been told today reveals a course of deliberately dishonest actions by the driver in applying to both this Council and TfL for licences knowing that neither authority would grant such a licence if in possession of the full facts. TfL are aware he appears before us today, and they will receive a copy of this decision notice. Furthermore, though the Police did not prosecute under the Misuse of Drugs Act, on his own admission the driver is a habitual user of drugs and this substance abuse impacts upon driving ability. The primary function of this Committee is the protection of the public and we take an extremely serious view of this case. We therefore consider that we have no alternative but to revoke the driver's licence under S61 (b) of the 1976 Act with immediate effect as he is no longer a fit and proper person to hold it. We take this view because of the risk habitual drug use poses to the safety of the public, to say nothing of his dishonest applications to both UDC and TfL. There is a right of appeal against this decision which must be exercised within a period of 21 days and during this period the licence normally remains in force. However, since we have revoked the licence with immediate effect on public

safety grounds, this period of grace does not apply. The driver will receive a letter from the Legal Department explaining this.

LIC35 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE**

Item eight was brought forward in proceedings at the request of the driver in relation to this item.

The Chairman introduced the Panel and explained procedure to the driver.

The Panel considered the Enforcement Officer's report.

Members were asked to consider whether the driver remained a fit and proper person to hold a licence as he had breached three criteria of the Council's licensing standards: failure to notify the Council of his change in address; failure to notify the Council of his conviction; and receiving six penalty points for a single offence.

The driver said his former employer had deliberately not informed him of the DVLA correspondence to ensure he could not go and work for a competitor. He said he could not provide his change of residence as he had moved in with a friend following his eviction and part of that agreement was he would not use the address. He also said he was unaware that he was required to inform the Council of a change of address within seven days of the move.

The Chairman asked whether the driver had read the 'Green Book' of rules that Uttlesford provided for drivers.

The driver said he had not.

At 12.00pm, the panel retired to make its decision.

At 12.15pm, the panel returned.

The Chairman read out the decision.

Decision:

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence number PH/HC0696 dated 10th August 2016, in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. The three year licence is due to expire on 31st July 2019. We understand he currently works for West End Cars, having been dismissed from his employment with Happicabs in May 2018 as hereinafter appears.

The Council received an email on 10 May 2018, from the director of Happicabs, to advise that they had dismissed the driver after discovering that he had received six penalty points on his licence for a single offence. A subsequent

Drivercheck of the driver's licence on 06 July 2018 as part of the due diligence process revealed six current penalty points endorsed in respect of an MS90 (failure to give information as to identity of driver) which took place on 28 September 2017. The driver was convicted on 28 November 2017. The driver did not notify the Council of this conviction and is therefore in breach of his private hire/hackney carriage driver's licence (Condition 18c) for which he is yet to be sanctioned. I return to this later.

The driver attended a meeting with the Council's Enforcement Officer on 23 July 2018. The driver explained that he moved from Flat 20, Thorndon Court, Great Warley, Brentwood over a year ago after he was evicted, and has been staying with friends for the past year. He never informed the DVLA, Happicabs or the Council of this change in circumstance. He moved to his current address at the beginning of June 2018. This failure too is a breach of Licensing Standards. In relation to the offence which led to the conviction, the driver believes that this was initially for an offence of speeding. The driver stated that when Happicabs responded to the DVLA to state that the driver was driving the vehicle at the time of the offence, Happicabs did not notify the driver so he did not know he had committed an offence and was unaware of the penalty points that had been issued. The driver explained that he left Happicabs around April 2018, and worked as a care assistant before going home to Romania. On returning to the UK a month later he started working for West End Cars.

As a result of receiving six penalty points for a single offence, the driver no longer meets the Council's Licensing Standards for drivers. Paragraph 2 of Appendix A thereof states:

"No convictions or fixed penalty notices endorsed on a driver's licence within the last three years where six or more points have been endorsed in respect of a single offence."

Furthermore, licensed drivers are required by conditions 18 a and c respectively of Appendix G of the Standards to notify UDC in writing of:-

"Any change of address within seven days of the change of address occurring"

"Any convictions, cautions or fixed penalty notices...within 7 days of the conviction, caution or the issue of a fixed penalty notice."

Ignorance of the Council's requirements is no defence: all licensed drivers receive a copy of the Green Book setting out their obligations and those obligations are personal to them. Their employer is not obliged to secure their compliance to the extent they have no personal responsibility.

We have read the papers before us and we have listened to what the driver has had to say. He has told us of a dispute with Happicabs, but he also admits to not having read the Council's Green Book or to familiarising himself with his obligations.

These are serious matters when taken together and it is the consistent failure to notify either the Council or his employers that has tipped the balance. The primary function of this Committee is the protection of the public and we consider that we have no alternative but to revoke the driver's licence under S61 (b) of the 1976 Act as he is no longer a fit and proper person to hold it.

There is a right of appeal against this decision which must be exercised within a period of 21 days and during this period the licence remains in force. The driver will receive a letter from the Legal Department explaining this.

LIC36 **DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE**

The Chairman introduced the Panel and explained procedure to the driver.

The Panel considered the Enforcement Officer's report.

The driver tabled a document stating that he had booked a medical examination.

The Chairman said the panel could not determine whether the driver was medically fit, this would be determined by the medical examination, but they would consider whether the driver was a 'fit and proper' person in light of his attempt to cheat his previous medical examination.

The driver said he had made a mistake at the examination when the doctor had asked him to place his hand over his eye. This was not the method he was used to. At the last optician's test he had been told his eyes were healthy.

Councillor Jones asked whether an eye patch or piece of card was offered as an alternative to his hand.

The driver said no alternative was offered.

Councillor Jones asked whether the driver had peered through his fingers in order to cheat the test.

The driver said he had.

At 1.05pm, the panel retired to make its decision.

At 1.30pm, the panel returned.

The Chairman read out the decision.

Decision:

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence no PH/HC 1293 in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. He has been licenced in Uttlesford since 12th August 2015 and his current licence is due to expire on 31st July 2019. He is also the owner of a vehicle licensed by the Council under number HCV 117. His last driving role was with Sadlers.

Licensed drivers are legally obliged to produce a group 2 medical certificate when they apply for a licence and every three years after that. The driver's

group 2 medical certificate was due to expire on 31st July 2018 and he booked in for a new medical on 26 July 2018 at Cotswold Medicals Ltd. A doctor from Cotswold Medicals Ltd emailed the Licensing Officer on 26 July 2018, that same day, and we have a copy of that email among our papers, which have also been served upon the driver.

The Licensing Officer was advised that a doctor had conducted a medical with the driver that day but had aborted the meeting as he was cheating. During the eye test the driver was struggling to see the smaller print and had started to look through his fingers which were meant to be covering an eye. He was made to recommence. Again, the driver was observed looking through his fingers. The doctor advised that in his opinion the driver should undergo a full sight test and that they would not offer him another medical.

The driver attended an appointment with the Licensing Officer on 30 July 2018, to complete his enhanced DBS application and supply his driver mandate form which he duly provided. The Enforcement Officer assisted the Licensing Officer in this meeting and enquired about the medical. The driver initially alleged the appointment had been cancelled but when challenged admitted to looking through his fingers during the sight test, but that he had booked another appointment.

The Environmental Health Manager – Protection then came into the meeting. The driver explained that he has reading glasses but they are not needed for driving and that he had seen an optician last December. The driver then showed his glasses to the Officers.

The Environmental Health Manager – Protection decided to exercise his delegated powers and suspended the driver's private hire/hackney carriage driver's licence in the interest of public safety with immediate effect under section 61(2B) Local Government (Miscellaneous Provisions) Act 1976. The driver was told that the suspension could be lifted provided he submitted an optician's certificate to a doctor in the course of a further group 2 medical examination. In order to enable the driver to drive his hackney carriage vehicle licence for social, domestic and pleasure purposes he surrendered the vehicle licence (HCV117) with immediate effect.

Condition 12 of Appendix A of the Council's Licensing Standards requires drivers to meet
"...Group 2 medical standards as published by the Dept of Transport."

Compliance with this standard is a legal requirement, and without a certificate we have no means of knowing whether this requirement is satisfied.

There are two issues before us today. They are the issue of the driver's behaviour on 26th July about which Cotswold Medicals Ltd were concerned enough to refer the matter to the Council that self-same day, and the question of his holding a Group 2 medical certificate. Though he has produced an optician's certificate and has an appointment for a medical later this week, depending on our findings on the first issue we may not need to determine the second issue.

The attempt to cheat on 26th July, which the driver has admitted to us today, is a very serious matter and is compounded by the fact the doctor whom he saw that day considered it serious enough to report to their manager, and in turn that manager thought it serious enough to formally report to the Council. S57 (3) Local Government (Miscellaneous Provisions) Act 1976 provides that it is an offence to knowingly or recklessly make a false statement for the purposes of obtaining a licence and we consider that by his conduct on 26th July, the driver did just that. Our findings on this issue mean we do not need to consider the driver's failure to have a current Group B medical certificate.

The primary purpose of this Committee is the protection of the public and we regard this matter as being very serious indeed. The driver's conduct on 26th July involved dishonesty but additionally, the consequences of driving without being able to meet the legally required eyesight standard could have been catastrophic. We consider the Environmental Health Manager – Protection did the correct thing in suspending the driver's licences pending his appearance before us today, and in the circumstances we revoke them under S61 of the 1976 Act as he is no longer a fit proper person to hold them, because of his dishonesty in attempting to conceal the fact that he might not meet the medical standards required for a licensed driver. In the interests of public safety that revocation takes effect immediately.

The driver has a right of appeal against this decision to the Magistrates Court, and that any such appeal must be lodged within 21 days. Normally, the revocation would come into effect following the end of the appeal period, but since the revocation is based upon possible medical issues and hence in the interests of public safety, this period of grace will not apply. He will receive a letter from the Legal Department explaining this.

LIC37

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE

The Chairman introduced the Panel and explained procedure to the driver.

The Panel considered the Enforcement Officer's report.

The driver's hackney carriage/private hire licence had come before Members to consider whether the driver remained a fit and proper person to hold a licence following two breaches of the Council's licensing standards. The driver had received six penalty points for a single offence (IN10 – using a vehicle uninsured against third party risks) and had failed to notify the Council of the conviction.

The driver said he was unaware that he needed to inform the Council of the penalty points he had received on his licence.

The Chairman asked whether the driver had seen the 'Green Book' of rules before and had he acquainted himself with it.

The driver said he could not remember receiving the 'Green Book'.

The Enforcement Officer asked whether the driver had received the conditions of his licence when he received his badge.

The driver said he had.

In response to a question regarding the IN10 offence, the driver said he was using his own vehicle at the time but had not acquired business insurance. He said he was unaware that this was necessary.

The Solicitor said it was the responsibility of the driver to make themselves aware of licensing standards and the law. Ignorance of the law was no defence.

At 2.10pm the panel retired to make its decision.

At 2.20pm the panel returned.

Decision:

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence number PH/HC2029 dated autumn 2015, in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. This application has been deferred from 31st July 2018 to enable the driver to attend today.

The three year licence is due to expire on 30th April 2020 and was issued on 16th May 2017. The driver's last known employment was with Lucketts of Watford on school contracts but this ended in August 2017.

As part of the licensing department's due diligence procedures, the annual check against DVLA records was carried out on the driver on 03 April 2018. This revealed that the driver was convicted on 13 November 2017 of an SP30 offence (speeding) that occurred on 19 April 2017 for which his licence was endorsed with three penalty points. The check also revealed that the driver had been convicted on 24 January 2018 of an IN10 offence (using a vehicle uninsured against third party risks) that occurred on 07 June 2017 for which his licence was endorsed with six penalty points.

As a result of receiving six penalty points for a single offence, the driver no longer meets the Council's Licensing Standards for drivers. Paragraph 2 of Appendix A thereof states:

"No convictions or fixed penalty notices endorsed on a driver's licence within the last three years where six or more points have been endorsed in respect of a single offence."

Additionally, licensed drivers are required by condition 18c of Appendix G of the Standards to notify UDC in writing of:-

"Any convictions, cautions or fixed penalty notices...within 7 days of the conviction, caution or the issue of a fixed penalty notice."

The driver has not responded to communications from the Licensing Department.

We have read the papers before us and we have heard from the driver. He had emailed the Licensing Department at some time between 31st July and today, saying that when he started driving his licence had been clean but that he then received some letters about penalty points. He was not, he said, aware that he had to report such things to the Council.

He verbally repeated this to us today and was shown a copy of the Council's Green Book containing Uttlesford's condition of licence. He did recall receiving some information regarding these when he received his badge. However, ignorance of the law is no defence although, he explained, everything that had happened had done so inadvertently, and that had he known of the Council's requirements, he would have complied with them. He confirmed that though he is not currently driving for a living he would like to retain his joint licence in case he should need some extra income in the future..

However, the primary function of this Committee is the protection of the public and in the light of his admitted failures, we consider that we have no alternative but to revoke The driver's licence under S61 (b) of the 1976 Act as he is no longer a fit and proper person to hold it.

There is a right of appeal against this decision which must be exercised within a period of 21 days and during this period the licence remains in force. The driver will receive a letter from the Legal Department explaining this.

LIC38

DETERMINATION OF A PRIVATE HIRE/HACKNEY CARRIAGE DRIVER'S LICENCE

The driver had not arrived to the meeting, nor had he responded to any correspondence sent by the Council.

The Solicitor said the case warranted to be heard in the driver's absence as he had failed to provide a medical certificate proving he was fit to drive. The driver, therefore, was a threat to public safety.

The Panel considered the Enforcement Officer's report.

The driver's group 2 medical, DVLA mandate and enhanced DBS check had all expired on the 30 April 2018 and the driver had repeatedly failed to respond to the Council's request to supply this information.

In response to a Member question, the Enforcement Officer confirmed that the Council had attempted to contact the driver by telephone, email and post. The driver had not responded to any of this correspondence.

At 2.30pm the panel retired to make its decision.

At 2.35pm the panel returned.

The Chairman read the decision.

Decision:

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence no PH/HC 0942 in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. He has been licenced in Uttlesford since 20th May 2015 and his current licence is due to expire on 30th April 2019. His last known driving role was with Sky Transfers who surrendered their licence in June 2017.

The Council requires all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check and group 2 medical when they apply for a licence and every three years after that. These checks assist the Council in establishing whether an individual is a 'fit and proper' person to hold a licence. The driver's last group 2 medical and DBS check both expired on 30th April 2018. As part of the Council's due diligence licensed drivers are required to provide a DVLA mandate every three years, and the driver's mandate similarly fell due on 30th April.

Normal practice at UDC is to send out reminder letters to drivers for DBS checks that are due to expire on the first working day of the month which precedes the month when the check expires. The reminders for medicals are typically sent out on the 15th day of the month preceding the expiry of that check.

The driver was contacted in writing on 30th April, 3rd May and 28th June and on the last occasion was told that if he wanted to remain licensed then he must provide these documents by 16th July 2018. He has not done so. Condition 12 of Appendix A of the Council's Licensing Standards requires drivers to meet "...Group 2 medical standards as published by the Dept of Transport."

Compliance with this standard is a legal requirement, and without a certificate we have no means of knowing whether this requirement is satisfied. This Committee considers that failure to provide an up to date medical or DBS check is a breach of Council policy; the checks are vital to establish that a driver is medically fit enough to drive, and has not received any criminal convictions in the period since their last DBS check. Lacking that information, and mindful of the paramount importance of public safety, we are not satisfied that the driver is a fit and proper person to hold hackney carriage and private hire licences and therefore revoke them, with immediate effect.

The driver has a right of appeal against this decision to the Magistrates Court, and that any such appeal must be lodged within 21 days. Normally, the revocation would come into effect following the end of the appeal period, but since the revocation is because of failure to supply a medical certificate in the interests of public safety, this period of grace will not apply. He will receive a letter from the Legal Department explaining this.

The driver had not arrived to the meeting, nor had he responded to any correspondence sent by the Council.

The Solicitor said the case warranted to be heard in the driver's absence as he had failed to provide a medical certificate proving he was fit to drive. The driver, therefore, was a threat to public safety.

The panel considered the Enforcement Officer's report.

The driver's group 2 medical, DVLA mandate and enhanced DBS check had all expired on the 30 April 2018 and the driver had repeatedly failed to respond to the Council's request to supply this information.

The Enforcement Officer said he had spoken to the Operations Manager of the driver's last known employer, who confirmed that the driver was no longer in their employment. He also said the driver had moved from his previous residence and he was unaware of the driver's new address. Failure to notify the Council of a change of address was in breach of the driver's conditions of licence.

At 2.40pm the panel retired to make its decision.

At 2.45pm the panel returned.

The Chairman read the decision.

Decision:

The application before the Panel today is for the suspension or revocation of the driver's joint private hire/hackney carriage licence no PH/HC 0949 in accordance with S61 (1) (b) Local Government (Miscellaneous Provisions) Act 1976.- any other reasonable cause. He has been licenced in Uttlesford since 21st May 2015 and his current licence is due to expire on 30th April 2019. His last known driving role was with 24 x 7 (Northants) Ltd who advised the Council his employment with them had ended and that he was no longer at the address the Council had for him.

Failure to notify the Council in writing within seven days of a change of address is a breach of paragraph 18a of Appendix G of the Council's Licensing Standards.

The Council requires all drivers to undergo an enhanced Disclosure and Barring Service (DBS) check and group 2 medical when they apply for a licence and every three years after that. These checks assist the Council in establishing whether an individual is a 'fit and proper' person to hold a licence. The driver's last group 2 medical and DBS check both expired on 30th April 2018. Further, as part of the Council's due diligence licensed drivers are required to provide a DVLA mandate every three years, and the driver's mandate similarly fell due on 30th April.

Normal practice at UDC is to send out reminder letters to drivers for DBS checks that are due to expire on the first working day of the month which precedes the month when the check expires. The reminders for medicals are typically sent out on the 15th day of the month preceding the expiry of that check.

The driver was contacted in writing on 13th April, 1st May and 28th June and on the last occasion was told that if he wanted to remain licensed then he must provide these documents by 16th July 2018. He has not done so. Attempts were also made to contact him upon his last known telephone number. Condition 12 of Appendix A of the Council's Licensing Standards requires drivers to meet "...Group 2 medical standards as published by the Dept of Transport."

Compliance with this standard is a legal requirement, and without a certificate we have no means of knowing whether this requirement is satisfied. This Committee considers that failure to provide an up to date medical or DBS check is a breach of Council policy; the checks are vital to establish that a driver is medically fit enough to drive, and has not received any criminal convictions in the period since their last DBS check. Lacking that information, and mindful of the paramount importance of public safety, we are not satisfied that the driver is a fit and proper person to hold hackney carriage and private hire licences and therefore revoke them, with immediate effect.

The driver has a right of appeal against this decision to the Magistrates Court, and that any such appeal must be lodged within 21 days. Normally, the revocation would come into effect following the end of the appeal period, but since the revocation is because of failure to supply a medical certificate in the interests of public safety, this period of grace will not apply. He will receive a letter from the Legal Department explaining this.

The meeting ended at 2.50pm.