

Present

Councillor M A Barningham (in the Chair)

Councillor P Bardon

Councillor K G Hardisty

LAHP.17 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.18 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.18 FITNESS OF A HACKNEY CARRIAGE AND 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 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 the options in paragraph 6.1 of the officer's report but, having concluded that the licence holder ("D") was a fit and proper person to hold a hackney carriage and private hire driver licence, the Panel was satisfied that it was not necessary to suspend or revoke D's licence.

The reason for the decision:

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

The Panel was informed that D had provided to the Council a medical assessment as part of her routine obligations in accordance with the Council's Policy. In the assessment it was recorded that D has a small incidental meningioma which, according to the examining doctor, required no further action.

The Panel noted that the Council, in accordance with the Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance, adopted the DVLA's Group 2 Medical Standards (applied by the DVLA to bus and lorry drivers) in relation to hackney carriage and private hire drivers. The Panel considered the Group 2 Medical

Standards which makes specific provision for “asymptomatic incidental meningiomas not needing any treatment”. In these circumstances, a licence will generally be refused or revoked and relicensing will only be considered after two scans have been performed 12 months apart showing no growth. The Panel noted that D’s scan had taken place in May 2018 and therefore she is unable to meet the Standards before May 2019.

The Panel considered a letter dated 1st October 2018 from D’s GP. The Panel noted that according to the GP, there is no requirement to notify the DVLA of “an asymptomatic incidental meningioma not needing any treatment” under the DVLA’s Group 1 Medical Standards (applied for driving normal cars, motorcycles). The Panel also noted that the GP confirmed that D was asymptomatic. However, the Panel was satisfied that the Group 2 Medical Standards are more stringent than Group 1 Standards and that drivers subject to Group 2 Standards should expect to cease driving relevant vehicles in spite of the asymptomatic nature of the condition.

The Panel also considered a letter dated 2nd October 2018 from a consultant neurosurgeon. The consultant stated that D’s neurological examination was completely normal and that her meningioma required no medical or surgical intervention. The Panel noted that the consultant stated that the revocation of D’s hackney carriage and private hire licence was, in his opinion, “not the right thing to do”. The Panel was satisfied that the consultant had considered the specific circumstances of D’s case and that he had provided reasonable justification for the Panel to depart from the Council’s Policy.

The Panel concluded that, in light of the opinion of the consultant neurosurgeon, D was fit to continue to hold a hackney carriage private hire driver’s licence. The Panel indicated that, in order remain satisfied as to D’s medical fitness, the Council would require a further scan to be carried out in May 2019 (12 months after the first scan) and annually thereafter on the understanding that the matter will be referred to the Licensing and Appeals Hearings Panel if any additional concerns arise.

THE DECISION:

Taking account of the above and having given appropriate weight to the evidence the Panel reached the following conclusions:-

The Panel was satisfied that the applicant was a fit and proper person to continue to hold a hackney carriage and private hire driver licence.

The meeting closed at 11.40 am

Chairman of the Panel