

2. **CHAIRMAN'S ANNOUNCEMENT**

This meeting had been scheduled for 18 January 2013, but due to the heavy snow fall that day, was rescheduled to 22 January 2013. As Councillor Prowse could not make this rescheduled date, she was replaced by the deputy for this Sub-Committee, Councillor Pearce. The Chairman apologised to the applicants for the inconvenience this had caused.

3. **REVIEW TO RE-INSTATE PRIVATE HIRE DRIVER'S LICENCE**

(Report LR402 refers)

The Sub-Committee considered the above Report, which asked the Sub-Committee to review a private hire driver's licence (detail in exempt minute).

4. **APPLICATION FOR RENEWAL OF PRIVATE HIRE DRIVER'S LICENCE**

(Report LR401 refers)

The Sub-Committee considered the above Report, which asked the Sub-Committee to consider an application to renew a private hire driver's licence (detail in exempt minute).

The meeting commenced at 10.30am and concluded at 12.00pm.

EXEMPT MINUTE – NOT FOR PUBLICATION

LICENSING SUB COMMITTEE

22 January 2013

5. **REVIEW TO RE-INSTATE PRIVATE HIRE DRIVER'S LICENCE**
(Report LR402 refers)

Present at the hearing was the applicant, Mr Fairweather, and Mr Kazane (his friend, for support).

Miss Stefanczuk outlined the Report. In summary she explained that Mr Fairweather had been granted a private hire driver's licence in January 2012 to drive for O B Chauffeuring Ltd, based in Denmead. At that stage, Mr Fairweather was not required to pass the private hire driver's knowledge test of Winchester town's streets and important locations, as he would not be operating within Winchester town centre.

However, subsequently Mr Fairweather transferred from O B Chauffeuring to Wessex Cars which was based and conducted most of its business in Winchester town centre. Due to this change, the Council's policies required Mr Fairweather to pass the Winchester town centre knowledge test by the expiry date of his licence (midnight, 22 January 2013) if he wished to continue driving for Wessex Cars.

Mr Fairweather failed the knowledge test held on 13 December 2012 but had indicated that he wished to continue driving for Wessex Cars. Miss Stefanczuk explained that officers were unable to permit this, as it was a departure from the Council's policy (as set out in the Report) and therefore the matter was referred to this Sub-Committee to determine.

At paragraph 4 of the Report, officers had set out four possible options for the Sub-Committee to decide, but Miss Stefanczuk strongly recommended against Option D (that the licence be granted without any requirement to pass the knowledge test) as this was considered detrimental to the quality of the private hire service.

In summary, Mr Fairweather explained that his employment with O B Chauffeuring had ceased and that he was enjoying his new employment with Wessex Cars, which offered him the flexibility he needed as a single parent. He explained that, as a resident of Lee on Solent, he used his sat-nav to navigate the streets of Winchester, and on the rare occasions this did not work, called the office for advice. He also carried a map book within his vehicle.

Mr Kazane stated that Mr Fairweather had been driving well for several months and questioned why the Council had raised this issue. He added that, largely due to the introduction of sat-nav devices, knowledge tests were being phased out by other local authorities. Mr Kazane also stated that if Mr

Fairweather was required to take the knowledge test, the Council should allow sufficient time for Mr Fairweather to revise.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues set out in the Report and the matters raised during the hearing.

He explained that the Sub-Committee had noted the exceptional circumstances of Mr Fairweather, in that he had been granted a private hire driver's licence on the basis of his employment by an operator who operated outside of the Winchester town area and that the arrangement with his original employer had subsequently ceased. Therefore, in light of these circumstances, the Sub-Committee agreed to depart from the Council's policy and renew Mr Fairweather's private hire licence to operate within the Winchester town area with immediate effect, until 28 February 2013. The Sub-Committee considered that this additional time was sufficient to enable Mr Fairweather to undertake the required knowledge test. Failure to pass this test on or before 28 February 2013 would mean that Mr Fairweather's licence would cease, and if he wished to continue to work as a private hire driver for an operator which primarily provides work in the Winchester Town area, he would have to re-apply under the same circumstances as any other new driver.

In addition, the Sub-Committee reminded Mr Fairweather of the importance it placed on the town centre knowledge test, as it assured customers that drivers would take the shortest possible route, as well as improving safety, as the driver would be able to apportion more of their concentration on the road conditions rather than on a sat-nav device.

The Chairman explained that Mr Fairweather would receive written confirmation of this decision along with the right to appeal to the Magistrates Court within 21 days.

RESOLVED:

That, due to the exceptional circumstances, Mr Fairweather's private hire licence be renewed to operate within the Winchester town area with immediate effect, until 28 February 2013. The Sub-Committee considered that this additional time was sufficient to enable Mr Fairweather to undertake the required knowledge test. Failure to pass this test on or before 28 February 2013 would mean that Mr Fairweather's licence would cease, and if he wished to continue to work as a private hire driver for an operator which primarily provides work in the Winchester Town area, he would have to re-apply under the same circumstances as any other new driver.

6. **APPLICATION TO RE-INSTATE PRIVATE HIRE DRIVER'S LICENCE**

(Report LR401 refers)

Miss Stefanczuk explained that the Report asked the Sub-Committee to consider whether to re-instate Mr Boyd's private hire driver's licence, following its revocation in December 2012. Mr Boyd's licence had been revoked as, following a stroke in November 2012, he did not meet the DVLA Group 2 medical standards of fitness to drive, as adopted in the Council's Statement of Licensing Policy.

The Group 2 medical standards of fitness to drive stated that licences be revoked for one year after a stroke, but Mr Boyd had provided a letter from Dr Bishop, his Consultant Cardiologist (set out in Appendix 6), who stated that he had "no reservations regarding his fitness to drive for hire for reward." In light of this letter, Miss Stefanczuk asked the Sub-Committee to consider whether it wished it depart from its policy and re-instate the licence.

Mr Boyd explained that he understood the rationale of the policy which prevented him from driving. However, he explained that he had made a full recovery from a mild stroke and, as a consequence of the drugs and monthly consultations with Dr Bishop, considered himself no greater risk to the safety of himself or paying passengers than any other licensed driver. Mr Boyd added that he had been running his own business (Winchester Executive Cars) for the past 12 years and was grateful for the sympathetic manner with which Miss Stefanczuk and the Council had treated him following his illness.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues set out in the Report and the matters raised during the hearing.

He explained that, due to the exceptional circumstances of this application (by virtue of the letter from the Consultant Cardiologist), the Sub-Committee had agreed to depart from the Council's policy, which would have prevented Mr Boyd from driving for a full year. The Sub-Committee therefore agreed to re-instate Mr Boyd's private hire driver's licence with effect from 1 March 2013, subject to a further favourable medical report. This licence would also be subject to a subsequent medical report in a further six months' time (1 September 2013).

The Chairman explained that Mr Boyd would receive written confirmation of this decision along with the right to appeal to the Magistrates Court within 21 days.

RESOLVED:

That, due to the exceptional circumstances, Mr Boyd's private hire driver's licence be re-instated with effect from 1 March 2013, subject to a further favourable medical report. This licence would also

be subject to a subsequent medical report in a further six months' time (1 September 2013).

Chairman