

**Minutes of a Meeting of the Mid Sussex District Council
Licensing Committee held on 14th October 2008
from 6.30 p.m. to 7.27 p.m.**

Present:- Clive Chapman (Chairman)
Mrs. Jacqui Landriani (Vice-Chairman)

Present:

Mrs. Margaret Baker	Bernard Gillbard	Peter Reed
Andrew Brock	Mrs. Jane Keel	Julian Thorpe
Ian Dixon	Gary Marsh*	
Mrs Kathleen Dumbovic*		

* Absent

**9. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE
RULE 4**

The Sub-Committee noted that no substitutes had been notified in accordance with Council Procedure Rule 4 – Substitutes at Meetings of Committees etc.

10. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Gary Marsh.

11. DECLARATION OF INTERESTS

No Declarations of Interest were made.

12. MINUTES

The Minutes of the meetings of the Committee held on 11th June 2008 be approved as a correct record and signed by the Chairman.

13. DENTS AND SCRATCHES POLICY

The Committee considered a request which had been received from the Mid Sussex Taxi Association for the suspension of condition (a) of the Hackney Carriage and Private Hire Vehicle Fitness Inspection Schedule which related to the exterior condition of vehicles.

Mr. Churcher of the Mid Sussex Taxi Association outlined his view as to why the condition should be removed from the Schedule. These related to:-

- (a) hard financial conditions;
- (b) unreasonable conditions; and
- (c) the environmental impact of repair to the vehicles.

The Committee discussed the issue and a suggestion was put forward by Councillor Thorpe to suspend condition for six months, after which the matter would be reviewed.

RESOLVED

That condition (a) on the Hackney Carriage and Private Hire Vehicle Fitness Inspection Schedule relating to the exterior condition of vehicles be suspended for six months, after which the matter be reviewed by this Committee.

14. DSA DRIVER TESTING DISCIPLINARY MEASURES

The Committee received a report on how the Driving Standards Agency (DA) driver testing could be applied as part of the disciplinary process for existing Hackney Carriage and Private Hire drivers to ensure that they remain fit and proper persons to hold those licences.

The Committee discussed the matter in detail and agreed that the recommendation be agreed subject to a few minor alterations.

RESOLVED

That:-

- (1) an existing driver be required to undergo a DSA driving test as part of the disciplinary process in the following circumstances:
 - (a) where a driver accumulates more than 6 current penalty points on their DVLA Driving Licence;
 - (b) where a driver is convicted by a court for an offence of Reckless or Dangerous Driving following involvement in a Road Traffic Accident irrespective of how many penalty points they have been awarded.
 - (c) where a driver is disqualified from driving by a court; and
 - (d) where the Council has received two substantiated complaints concerning the safety of a drivers driving ability over a three year period ending on the date of the second substantiated incident and the Council has notified the driver of its findings in writing;
- (2) in the case of (a) to (c) above, drivers will be required to pass a DSA driving test within a period of six months from the date of written notification to the driver of the requirement to take the DSA test following the drivers notification of their conviction to the council.
- (3) in the case of (d) above drivers will be required to pass a DSA driving test within a period of six months from the date of written notification to the driver; and
- (4) after the expiry of the relevant six month period a drivers licence will not be renewed unless the driver concerned has produced to the Council evidence that he /she has passed the DSA driving test. Drivers aggrieved by this must give notice of appeal in writing to the Council within a set time period, e.g. 21 days.

Chairman