



Committee was that the Licence holder had obtained a conviction following the grant of a licence. A copy of the Licence holder's DVLA Licence was appended to the report at appendix 1.

The Licensing Officer advised the Sub Committee that the Licence holder had held a licence for many years with records appearing to go back to 2004 and that records had shown that that he had received a fix penalty for exceeding speed limit on a motorway in the year 2000. The Licence holder's licence had been endorsed with 3 penalty points and he had renewed his licence in the usual way since originally granted.

The Licensing Officer further explained that the Licence holder had been convicted of an offence of speeding in 2024 for exceeding the speed limit on a motorway. The Sub Committee was advised that the offence had occurred in July 2023. The Licence holder's Licence had been endorsed with 6 points and he had received a fine of £337.

A copy of the memorandum of entry in the register of the Magistrates' Court was appended to the report at Appendix 2 which showed that the Licence holder was found to be travelling at 77mph where the speed limit was 50mph. The memorandum also advised that the vehicle being driven at the time of the offence was licenced as a Hackney Carriage Vehicle at the time of the offence.

As per condition 2 of the Private Hire Driver Licence, the Licence holder had notified the Council of the conviction via email on 29 July 2024. The Sub Committee accepted a request from the Licence holder to circulate a photographic image of when the offence had occurred.

The Chair invited the Licence holder to make representations to the Sub-Committee as regards to his fitness to continue to hold a Hackney Carriage/Private Hire Driver's Licence.

Mr Malik, representing the Licence holder advised the Sub Committee that a passenger had not been present in the vehicle at the time of the offence. Mr Malik stated that the Licence holder had acknowledged the offence and referred to the Licence holder holding a licence for over 20 years.

Mr Malik further stated that the Licence holder had received a telephone call from his disabled wife and had failed to see the Boards advising that the speed limit was 50mph and not 70mph. Mr Malik confirmed that the vehicle had been stationary when he had received the call from his wife.

Mr Malik advised the Sub Committee that the Licence holder had been driving for over 20 years, had made a genuine mistake, and had understood the seriousness of the offence. Mr Malik also advised that the Licence holder was in the process of undertaking further driver training following the offence.

The Licence holder and Mr Malik then the left the room whilst the Sub-Committee entered its deliberations in private.

## **Decision**

In reaching its decision the Sub-Committee took into account the following:

1. Both Written and Oral Evidence presented in connection with the hearing
2. The Local Government (Miscellaneous Provisions) Act 1976/Town Police Clauses Act 1847 (where applicable)
3. Statement of Policy and Guidelines relating to the relevance of convictions
4. The Statutory Taxi and Private Hire vehicle standards guidance
5. The Statutory fit and proper person test.

The Sub-Committee had determined that the Licence holder remains a “fit and proper person” to hold a Hackney Carriage/Private Hire Driver’s Licence for the following reason:

The driver openly declared the conviction within the given timeframe as per his licensing conditions.

The driver be issued with a formal written warning in respect of his future conduct for this to remain on his file.

## **9 Review of a Hackney Carriage and Private Hire Driver Licence**

The Sub Committee considered a further application for a review of a Hackney Carriage/Private Hire Driver’s Licence.

The Licence holder was present. Prior to proceedings, the Licence holder advised that he did not intend to continue to hold a Licence and that he wished to surrender his Licence. The Licence holder was advised that he could not surrender the Licence and that the hearing would be required to take place.

The Licensing Enforcement Officer was present at the hearing and presented a report of the Director of Planning and Property advising that grounds for referral to the Committee were that the Licence holder had obtained convictions following the granting of the Licence and had failed to report the convictions to the Council.

The Licensing Officer advised the Sub Committee that the Licence holder had first been granted both a Private Hire and Hackney Carriage Driver Licence by Chorley Council in 2015. Prior to this, the Licence holder had received a fixed penalty notice for exceeding the statutory speed limit on a public road in 2011 and his DVLA licence had been endorsed with 3 penalty points. A copy of the Licence holder’s application was appended to the report at appendix 1.

The Licensing Officer further reported that the Licence holder had failed to notify the Council of the fixed penalty as required by a condition of his licence. The Licence holder had therefore been issued with a Formal Warning. A copy of this correspondence was appended to the report at appendix 2.

In 2021, the Licence holder had notified the Council that he had been required to undertake a speed awareness course. A copy of this correspondence was appended to the report at appendix 3.

In 2022, the Licence holder had notified the Council that he had received a notification of intended prosecution in respect of an offence of exceeding the statutory speed limit on a public road. The Licence holder had been travelling at 37mph where the speed limit was 30mph. The vehicle being driven at the time of the offence, was licenced as

a Private Hire Vehicle. The Licence holder's licence was endorsed with 3 penalty points.

It was reported that following a routine check of the driver's DVLA licence, two offences of exceeding the statutory speed limit on a public road were detailed in June 2022 and June 2024. 3 penalty points had been imposed for each offence. It was confirmed that, in respect of the offence committed in June 2022, the vehicle was again a licensed vehicle at the time of the offence. In respect of the 2024 offence, it was not considered that this was committed in a licensed vehicle as the licence had expired.

It was reported that the Licence holder had failed to comply with Condition 2 of the Private Hire Driver Licence condition, which was detailed in the report, in respect of both offences detailed at paragraph 16, despite having received a formal warning regarding this in 2018. A printout of the Licence holder's licence was appended to the report at appendix 4 showing that he currently had 9 penalty points imposed on his licence. A timeline of events was appended to the report at Appendix 5.

The Licensing Officer reported that attempts had been made to speak with the Licence holder regarding the endorsement and his subsequent failure to report them to the Council. The Licence holder had responded to an email to state that he was out of the country. When asked when he might return, to enable arrangements to be made, the Licence holder had failed to respond, despite being warned that a failure to do so would result in his case being referred to the Sub Committee without further notice. Copies of the emails were appended to the report at appendix 6.

The Chair invited the Licence holder to make representations to the Sub-Committee in regard to his fitness to continue to hold a Hackney Carriage/Private Hire Driver's Licence.

The Licence holder referred to page 19 of the report at paragraph 2 stating that the email enquired around when he would return to the UK and did not enquire about the offences. The Licence holder explained that he had been out of the UK for the last weeks of August 2024. Referring to the deadline of 3 September to respond to the Licensing Enforcement Officer's email, the Licence holder claimed that he had attempted to contact the Licensing Enforcement Officer in September via voicemail and email but was unable to provide documentary evidence to support this claim.

The Licence also advised that although he had been in receipt of a written copy of the conditions of the Licence, he had been "out of the trade" for some time, it had "slipped his mind" and apologised for failing to notify the Council of the offences.

The Licence holder then left the room whilst the Sub-Committee entered its deliberations in private.

## **Decision**

In reaching its decision the Sub-Committee took into account the following:

1. Both Written and Oral Evidence presented in connection with the hearing.
2. The Local Government (Miscellaneous Provisions) Act 1976/Town Police Clauses Act 1847 (where applicable).
3. Statement of Policy and Guidelines relating to the relevance of convictions.

4. The Statutory Taxi and Private Hire vehicle standards guidance.
5. The Statutory fit and proper person test.

The Sub-Committee has determined that the Licence holder does not meet the requirements of a “fit and proper person” and as such the driver’s Hackney Carriage/Private Hire Driver’s Licence is revoked with immediate effect for the following reasons:

- It was noted that the Licence holder wanted to surrender both of his licences however Members felt this undermined the public protection objectives and therefore a decision was made for the hearing to go ahead.
- The Licence holder has triggered the Council’s Conviction Policy which can be found within the Council’s Hackney Carriage and Private Hire Licensing Policy. The Licence holder currently holds 9 points upon his licence with three separate driving offences, due consideration is to be given to the fact that the last two offences have occurred within the last two years.
- The Licence conditions have been breached several times specifically because the License holder did not notify the Council within the given time parameters, this occurred twice within the last two years despite previously receiving a formal warning in October 2018 which set out the implications should the Licence conditions be breached again.
- Members felt the Licence holder had not learnt from his previous convictions or the fact that there was a formal warning upon his file and remorse was lacking.
- Members have noted the Licence holders mitigating factors in relation to notifying the Council of his previous convictions and in relation to his speeding offences, however Members felt that the Licence holder did not show or provide any supporting evidence in relation to this i.e. the email which was allegedly sent to the Licensing Enforcement Officer.
- Multiple offences which have occurred over a period of time give greater cause for concern and demonstrate a pattern of inappropriate behaviour.
- Reasonable attempts were made by the Licensing Officer to obtain details relating to the Licence holders travel arrangements and date of the return into the UK.
- The Licence Holder has a right to appeal the decision to the Magistrates Court within 21 days.

## **10 Review of a Hackney Carriage Vehicle Proprietor's Licence**

The Sub Committee considered a further application for determination of an application to renew a Hackney Carriage Vehicle Proprietor’s Licence.

The Licence holder was present. Mr Chaz Malik from the Chorley Taxi Association was also present representing the Licence holder.

The Sub Committee accepted a request from the Licence holder to circulate additional documentation.

The Licensing Officer was present at the hearing and presented a report of the Director of Planning and Property advising that grounds for referral to the Committee were that the Licence holder had presented the vehicle for a test in a dangerous condition which may have called into question his ability to adequately maintain the vehicle during the currency of the licence.

The Licensing Officer advised the Sub Committee that the Licence holder had been the proprietor of the licence for many years with records appearing to specify him as the licence holder from 2011. The Licensing Officer further advised that at the current time, the vehicle associated with this licence was a Peugeot E7 Expert in red. The licence had continued to be renewed in the usual way and applied to the vehicle until July 2023, when it had been brought to the attention of officers, due to the poor condition that it was in.

It was reported that the vehicle had presented for an MOT and Taxi Test at a Council-authorized garage in July 2023. The vehicle had failed the taxi test element due to a large part of the sill around the door opening being significantly rusted, allowing the tester to push his finger through the corroded metal.

It was reported that the Licence holder had removed the vehicle to enable repairs to be carried out. It was further reported that, again, the repairs that had been carried out were of such poor quality that the tester was able to push his finger through the corroded metal. The tester had then contacted the Council, and officers had attended to conduct an inspection of the vehicle.

As a result of the inspection, the decision had been made to suspend the licence with immediate effect and a Section 68 Suspension Notice had been issued. A copy of the suspension notice was appended to the report at appendix 1. The Sub-Committee was advised that it had been noted at the time that the faults identified would have been clear to a person without any mechanical training and without any specialist knowledge. The Licence holder had provided correspondence to the Council, a copy of which was appended to the report at appendix 2.

The Licence holder had presented the vehicle for an inspection by Council Officers in August 2023 and the suspension had been lifted, with the faults identified in the suspension notice having been rectified. The vehicle had then been submitted for a test at an authorised garage and had failed the inspection. The Licence holder was informed that his application to renew his licence was to be referred to the General Licensing Sub Committee due to concerns surrounding the vehicle. The Licence holder decided to withdraw his application and had been provided with 30 days to submit a new application. The email thread relating to this was appended to the report at appendix 3.

A full MOT history of the new Hackney Carriage Licence was appended to the report at appendix 4 for further reference.

The Sub Committee was advised that the Licence holder had presented the new vehicle for an initial inspection in August 2023. It had been noted during this inspection that the vehicle's mileage was close to 400,000 miles. The Sub Committee noted that the vehicle was well maintained and had often passed its MOT without any faults being identified. Despite the high mileage, the vehicle had passed the

inspection and had been licensed in August 2024. It had also passed the Council's MOT and taxi test without any faults being identified.

The Licensing Officer reported that in February 2024, the Licence had become due for renewal and the Licence holder had arranged for it to be inspected at one of the Council's approved garages. It was reported that on the first inspection of the vehicle, since the vehicle had been operated by the Licence holder, 8 advisories had been identified, most of which would be identifiable without specialist equipment or training. The vehicle had however passed and was granted another licence, which had been due to expire in August 2024.

The Licensing Officer reported that on 15 August 2024, the Licence holder had submitted the vehicle for an MOT and taxi test at a Council approved garage. The vehicle had failed both tests. Details of faults identified were outlined to the Sub Committee. The Sub Committee was advised that an MOT was the basic minimum standard that a vehicle must pass to be permitted on the road.

The Licensing Officer further reported that despite a dangerous fault being identified, the vehicle was driven away from the garage. When it had been re-tested, 4 days later, there were an additional 150 additional miles on the clock. Due to this, officers had carried out enquiries and established that, at a minimum, the vehicle had been seen to be standing for hire on the High Street rank on Saturday, 17 August between 22:49 hours and 23:30 hours and again between 23.31 hours and 23:56 hours. This was despite a dangerous fault identified and the vehicle had not been subsequently retested until 19 August.

The Chair invited Mr Malik and the Licence holder to make representations to the Sub-Committee regarding the Licence holder's fitness to continue to hold a Hackney Carriage Vehicle Proprietor's Licence.

Mr Malik advised the Sub Committee that the Licence holder had been a driver for 40 years.

Mr Malik referred to when the first vehicle had been suspended and that the Licence holder had purchased a replacement vehicle. Mr Malik then referred to the suspension of the second vehicle and that the Licence holder had withdrawn the vehicle because he was aware of the advice from the garage that had undertaken the inspection. Mr Malik also referred to the additional documentation that had been circulated to the Sub Committee, page 1 advising "Do not drive until repaired".

Mr Malik further referred to the remainder of the documentation which evidenced that outstanding repairs had been carried out at an MOT approved garage and that the Licence holder had visited a specialist to carry out the necessary repairs. Mr Malik advised that Licence holder had mistakenly been under the impression that because the repairs had been carried out, he was permitted to drive the vehicle and was not aware that it would require further inspection.

Mr Malik advised the Sub Committee that the Licence holder was not mechanically minded, that this had been a genuine unintentional mistake and that he was very remorseful. The Licence holder confirmed that he now understood the policy and that he should not have driven the vehicle until a further inspection had been carried out by a Council approved test centre. The Licence holder apologised stating that this had been a mistake.

Mr Gazra, Mr Malik, and the Licence holder then the left the room whilst the Sub-Committee entered its deliberations in private.

### **Decision**

The Sub Committee determined that the Licence holder did meet the requirements of a “fit and proper person” and as such the Licence holder’s Hackney Carriage Vehicle Proprietors Licence was renewed subject to a formal warning being issued as to the Licence Holder’s future conduct due to him not complying with the policy in relation to his vehicle failing the Taxi and MOT test.

Members recognised that the Licence Holder had corrected the faults with the vehicle and that he was remorseful.

Chair

Date