

General Licensing Sub-Committee

Wednesday, 1 September 2010

Present: Councillor Pat Haughton (Chair) and Councillors Laura Lennox, Alan Platt, Edward Smith and Stella Walsh

10.LSC.44 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.LSC.45 DECLARATIONS OF ANY INTERESTS

There were no declarations of interests.

10.LSC.46 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

10.LSC.47 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee considered a report from the Director of People and Places, which sought the Sub-Committee's decision on an application for a Private Hire Driver's Licence. The application could only be determined by the General Licensing Sub-Committee as the applicant's Criminal Records Bureau check had revealed a relevant conviction which had not been disclosed on the application form.

In addition, allegations had been made against the applicant that he had been operating a vehicle and acting as a private hire driver contrary to Section 46(a) and 46(b) of the Local Government (Miscellaneous Provisions) Act 1976 respectively on at least five separate occasions. It had been further alleged that the applicant was the owner of a Private Hire Company in Chorley. The applicant had denied that he had any financial involvement in the company but was an acquaintance of the operator, and did light work for the company occasionally.

The applicant had held a full DVLA driving licence since June 1998, and his medical and knowledge test had satisfied the Council's licensing conditions.

The applicant, accompanied by his wife, attended the meeting to put forward representations in support of his application.

The applicant expressed remorse that he had failed to disclose his conviction on the application form. The applicant had been under the impression that the conviction would not be recorded on his Criminal Records Bureau check as he had thought the conviction had been spent and therefore did not feel it had been relevant to include the conviction on his application form.

The Sub-Committee was informed that the applicant was a personal friend of the operator of Royal Executive Cars and confirmed that he acted as a joint operator occasionally to support the Private Hire Company, by answering the telephone and managing the office when asked to do so by the operator. The applicant denied operating a vehicle as a taxi.

The Public Protection Officer informed the Sub-Committee that from the four witnesses who had claimed to have seen the applicant operating as a Private Hire Driver, two of them had failed to identify him from a photograph, while the other two had not had the opportunity to identify him to date.

The applicant informed the Sub-Committee that if it was minded to grant the Private Hire Driver's Licence he had been offered a position as a Private Hire Driver for Royal Executive Cars.

The Sub-Committee considered all aspects of the application, including representations from the applicant, the Public Protection Officer, and the Council's Statement of Policy concerning the relevance for conviction.

After careful consideration of all the relevant factors, the Sub-Committee, by a majority decision (4:1) **RESOLVED not to grant the applicant a Private Hire Driver's Licence as it did not consider that he was a fit and proper person to hold a licence. The Sub-Committee felt that the applicant had dishonestly and deliberately failed to complete his application form correctly which resulted in his conviction not being disclosed at that time. The Sub-Committee also considered the relevance of his conviction, in conjunction with Council Policy and felt that in the interest of public protection it would not be appropriate to grant the licence.**

Chair