

General Licensing Sub-Committee

Wednesday, 3 November 2010

Present: Councillor Keith Iddon (Chair) and Councillors Doreen Dickinson, Marion Lowe, Beverley Murray and Edward Smith

10.LSC.53 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by any of the Members in the items of business on the meeting's agenda.

10.LSC.54 EXCLUSION OF THE PUBLIC AND PRESS

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

10.LSC.55 REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered a report of the Director of People and Places drawing Members' attention to complaints that had been made by four members of the public against a Private Hire Driver.

The complaints related, inter alia, to an incident in the early hours of 14 June 2010 when the private hire driver had driven two passengers from a Chorley address to Liverpool Airport. The passengers had claimed in separate formal Section 9 Witness Statements that the driver had reached speeds of over 100mph on the motorway during the journey. The two Witness Statements had been obtained by the Council's Officers as part of their investigations into the operation of the Private Hire Vehicle Company to whom the vehicle driven on 14 June belonged. The Statements also referred to concerns regarding the passengers' return journey from Liverpool Airport, which were unrelated to the case under review.

It was stated in the report that during a formal interview with the Council's Officers, the private hire driver had agreed broadly with the related incident, but contended that his speed had only reached up to 85mph.

The report clarified that the private hire driver had since left the employ of the Private Hire Vehicle Company under investigation and now worked for another local private hire operator.

The report requested the Sub-Committee to consider the seriousness of the driver's admission of breaching the speed limit and the witnesses accounts, and to consider whether the driver was a fit and proper person to continue to hold a Chorley Council Private Hire Drivers Licence.

The private hire driver, accompanied by his representative, attended the meeting to put forward representations.

In response to questions from the private hire driver's representative, the Public Protection Officer explained the formal, accepted procedures that had been followed in interviewing the driver to ascertain his perspective of the incident on 14 June. The Officers had been satisfied that, whilst the driver concerned had not committed other

offences, his admission of reaching excessive speeds during the journey warranted the Members' consideration.

The private hire driver's representative pointed to what he claimed was contradictory evidence in the witnesses' statements regarding the alleged speed of the vehicle during the airport journey on 14 June. The witnesses were not present at the meeting, so their statements could not be questioned. The driver's representative also emphasised that the witnesses' statements had not been volunteered after the incident and that the incident had only been highlighted as part of the investigations into the private hire company owning the vehicle driven on 14 June.

The private hire driver explained the circumstances of the motorway journey on 14 June, indicating that, as a result of delays caused by his two passengers, his speed on the motorway had reached up to 85mph in his attempt to ensure that his passengers reached Liverpool Airport in time for their scheduled flight. The driver stated that the passengers had not complained at the time.

The driver apologised for exceeding the speed limit, which could have resulted in a traffic offence, but asked the Sub-Committee to take account of his current unblemished driving record.

After summarising their respective arguments, the Public Protection Officers and the private hire driver and his representative left the meeting at this point.

The Sub-Committee considered all aspects of the review including the representations from the Public Protection Officer, the private hire driver and his representative, and the witness statements.

After careful consideration of all the relevant factors, the Sub-Committee unanimously **RESOLVED:**

- (1) That, having considered the matter in detail, no action be taken in respect of the Private Hire Driver's Licence on this occasion.**
- (2) That, as Members were concerned that the private hire driver had admitted driving over the speed limit with passengers, for which the lack of complaint by the passengers at the time did not constitute an excuse, the Public Protection Officers be delegated the task of sending a letter to the respective driver warning him as to future conduct and stating that, if he appears before the Sub-Committee again, more serious action might be taken, which could include suspension or revocation of his driver's licence.**

10.LSC.56 REVIEW OF AN OPERATOR'S LICENCE

The Sub-Committee received a report of the Director of People and Places requesting Members' review of a Private Hire Operator's Licence in the light of reported breaches of the licence conditions.

A copy of a letter from the private hire operator was circulated at the meeting. The letter contained a request from the operator for a postponement of the hearing on the grounds of his current ill-health and as an opportunity to allow more time for the operator to prepare a response statement.

The Public Protection Officers also reported that further evidence, which had not been presented to the operator, has recently been received.

The Sub-Committee **RESOLVED** that, in the light of the letter received and the additional material to be circulated, consideration of the Director of People and Places' report be deferred to a special meeting of the General Licensing Sub-Committee to be convened on Wednesday, 10 November 2010 at 10.00am.

Chair