

General Licensing Sub-Committee

Wednesday, 28 April 2010

Present: Councillor Keith Iddon (Chair) and Councillors Judith Boothman, Doreen Dickinson, Thomas McGowan and Stella Walsh

10.LSC.31 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by any of the Sub-Committee Members in any of the agenda items.

10.LSC.32 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 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

10.LSC.33 REVIEW OF PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES

The Sub-Committee considered a report of the Director of People and Places seeking Members' instructions on an application for the renewal of Private Hire and Hackney Carriage Vehicle Driver's licences, each of which were due to expire on 20 February 2010.

The applicant, on the two application forms to renew the two licences, each dated 12 February 2010, had not declared any material changes to his personal circumstances since the last application. An inspection of the applicant's current driving licence, however, had revealed the following three convictions:

- SP30 (Driving over the 30mph speed limit) on 7 August 2007;
- SP30 (Driving over the 30mph speed limit) on 25 January 2009;
- CU30 (Construction and use tyre offence) on 4 April 2009.

Whilst the first conviction on 7 August 2007 had been declared on a past occasion by the applicant, neither of the latter two convictions had been declared by the applicant in contravention of the relevant conditions of the licences.

The applicant apologised for his failure to declare the convictions on his application form, which he claimed was an error on his part. The applicant's representative also clarified the nature of the CU30 conviction on 4 April 2009 relating to a defect in the construction of the vehicle tyre which was not visually detectable.

The Sub-Committee considered all relevant factors, including the representations from the applicant and his representative, the Council's Statement of Policy concerning the relevance of criminal convictions and the seriousness of the offences.

Following the Sub-Committee's deliberations, it was:

RESOVLED – (1) That the applications for the renewal of Private Hire and Hackney Carriage Vehicle driver's licences now under consideration be granted.

(2) That the applicant be informed that the Sub-Committee considers his failure to disclose the two relevant convictions as a serious breach of the licensing

conditions and that it be emphasised that further breaches of the licensing conditions will be viewed extremely seriously and the Sub-Committee will consider revocation of the licences.

10.LSC.34 REVIEW OF PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES

The Director of People and Places presented a report on an application for the renewal of licences to drive both Private Hire and Hackney Carriage vehicles which were due to expire on 18 January 2010. The Members instructions on the application had been sought in the light of the applicant's failure to disclose on his application a recent conviction relating to a fixed penalty notice issued by the Lancashire Constabulary and the applicant's previous history as a licensed Private Hire/Hackney Carriage driver and operator of Private Hire vehicles, as detailed in the Director's report.

(a) Request for adjournment of hearing

The Sub-Committee were informed of a request from the applicant's representative on the applicant's behalf for an adjournment of the Sub-Committee hearing.

The applicant's representative attended the meeting and confirmed that he had advised the applicant not to attend the meeting.

The representative stated that the detailed report had not been issued until 19 April 2010. In view of the complexity and seriousness of the allegations within the report, the applicant wished to appoint a barrister to represent him at the hearing, but the lawyer selected had been unable to attend the 28 April meeting.

The Members were reminded that the applicant was still presently operating as a Private Hire/Hackney Carriage driver and that the Chair of the Sub-Committee had previously agreed to the adjournment of the meeting from 21 April to 28 April.

Following the representative's withdrawal from the meeting, the Sub-Committee considered a request for an adjournment, having regard to the need to address serious public safety considerations, and **RESOLVED to continue with the hearing at the meeting.**

The applicant's agent expressed his strong objection to this decision.

(b) Sub-Committee Hearing

The Public Protection Officer presented the Director of People and Places' report which gave a detailed summary of the applicant's application history and relevant Court convictions which had not previously been considered by the Sub-Committee, with direct reference to his conduct as a Private Hire/Hackney Carriage driver and as a Private Hire operator. The Members were requested to consider and determine, after assessing carefully the information within the report and any representations presented, whether the applicant was a fit and proper person to continue to hold the driver's licences.

The Director's report highlighted and commented, in particular, on:

- A comprehensive summary of the applicant's application history and conviction record since his original applications to Chorley Council for (i)

a Private hire Vehicle Driver's Licence on 2 January 2003 and (ii) a Private Hire Operator's Licence on 5 August 2008.

- A summary of the following two issues which required to be assessed in particular by the Sub-Committee.
 - (i) The issue on 19 June 2009 of a vehicle suspension notice on the applicant in respect of Private Hire Vehicle PHV 250 as a result of several faults with the vehicle being discovered on an inspection of the vehicle after it was stopped by the Police on 19 May 2009 during one of the Council's days of action.
 - (ii) The applicant's failure to disclose on his application form to renew his Private Hire and Hackney Carriage Drivers Licences a recent conviction relating to a fixed penalty notice issued by Lancashire Constabulary in respect of Private Hire Vehicle 250, which was revealed to have two front tyres below the legal tread depth limit.
- Copies of extracts from the Vehicle Operating Standards Agency's (VOSA) website showing the outcome of the inspection of several vehicles operated by the taxi firm where the proprietor of the vehicles was shown as the applicant. The extracts gave details of the reasons for the refusal to issue Certificates and the content of the Advisory Notices attached to issued Certificates, which gave a general indication of the maintenance record of the respective vehicles.

The Sub-Committee, after taking account of the presentation of the Director of People and Places' report and the representations of the applicant's representative, concluded that the seriousness and complexity of the issues involved overrode the earlier decision to proceed with the hearing and that the meeting should be adjourned to allow the applicant the opportunity to appoint appropriate legal representation to present his case.

It was, therefore, **RESOLVED – That the Sub-Committee hearing to consider the application for the renewal of the Private Hire and Hackney Carriage Vehicle Driver's licences, in the light of the information contained in the Director's submitted report, be adjourned to the next scheduled meeting of the General Licensing Sub-Committee on Wednesday, 9 June 2010. In the event of the applicant and/or his legal representative failing to appear before the Sub-Committee on 9 June, the hearing will proceed in their absence.**

Chair