

Licensing and Public Safety Committee

Wednesday, 7 July 2010

Present: Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, David Dickinson, Doreen Dickinson, Anthony Gee, Hasina Khan, Laura Lennox, Alan Platt, Debra Platt, Edward Smith, Ralph Snape, John Walker and Stella Walsh

Also in attendance: Alex Jackson (Senior Lawyer), Stephen Culleton (Public Protection Officer) and Cathryn Barrett (Democratic and Member Services Officer)

10.LPS.59 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Catherine Hoyle and Beverley Murray.

10.LPS.60 DECLARATIONS OF ANY INTERESTS

Councillors Pat Haughton and John Walker declared a personal and prejudicial interest in respect of agenda item 4, and left the meeting for consideration of this item.

10.LPS.61 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.LPS.62 APPLICATION FOR RENEWAL

Following the adjournment of the General Licensing Sub-Committee on 28 April 2010, and a meeting of the Licensing and Public Safety Committee on 9 June 2010 when it was resolved to convene a special meeting of the Licensing and Public Safety Committee to consider a report from the Director of People and Places which sought Members' instructions under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 in light of information received which indicated that a taxi driver had failed to declare a driving conviction on his application to renew his Private Hire and Hackney Carriage Driver's Licence, namely that on the 19 June 2009 he had been found using a Private Hire Vehicle in an unroadworthy condition, and to take into account the driver's previous history.

The driver and his representative (accompanied by the representative's wife) attended the meeting to put forward representations.

The driver's representative asked that the meeting be adjourned to a future date as a Public Protection Officer whom he felt was an essential witness was not present. This request was refused by the Chair on the grounds that the Public Protection Officer who had compiled the report was present, and that it was not a legal obligation for a particular officer to attend the meeting.

At this time the driver's representative did not feel that either the driver or himself should participate further in the meeting. After a brief discussion the Chair suggested that there be a short recess to allow the opportunity for the driver and his representative to discuss the matter in private.

After a short recess the driver and his representative (accompanied by the representative's wife) returned to the meeting and agreed, against the representative's advice, to participate fully in the meeting.

The Committee was presented with a report of the Director of People and Places which gave a detailed summary of the driver's application history and the relevant convictions which had not previously been considered by the Committee, with direct reference to his conduct as a Private Hire/Hackney Carriage driver and previously 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 driver was a fit and proper person to continue to hold the driver licences.

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

- A comprehensive summary of the driver's application history and conviction record since the 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 2003.
- The issue on 19 June 2009 of a vehicle suspension notice in respect of Private Hire Vehicle PHV 250 driven by the driver 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.
- The driver's failure to disclose on his application form to renew his Private Hire and Hackney Carriage Driver's Licence a recent conviction relating to a fixed penalty notice issued by Lancashire Constabulary in respect of Private Hire Vehicle 250. The inspection had revealed that PHV 250 had two front tyres below the legal tread depth limit.
- Copies of extracts from the Vehicle Operating Standards Agency's documents showing the outcome of the inspection of several vehicles operated by a taxi firm where the proprietor of the vehicles was shown as the driver. 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.

After careful consideration of all the relevant factors, including the representations from the driver and his representative, the relevance of the history as laid down in the report, and the Council's adopted Policy on Previous Convictions, the Committee **RESOLVED to revoke the driver's Private Hire and Hackney Carriage Drivers Licences as Members felt he was not a fit and proper person to hold a licence for the following reasons:**

- 1. The driver had persistently driven, or allowed to be driven, vehicles over many years with defects which pose a risk to public safety.**

- 2. There was a long history of warnings and other sanctions from the Council which had not caused an improvement in the driver's behaviour.**
- 3. Members were concerned about the numerous motoring convictions, and that the driver had used vehicles without insurance or tax discs.**
- 4. Members were particularly concerned at the condition of the tyres on vehicle Private Hire Vehicle PHV 250 which had been stopped at a 'day of action' on the 19 June 2009.**
- 5. The driver's failure to declare the conviction for the offence on the 19 June 2009 within 7 days as required under his conditions of his Private Hire Driver Licence. Members were conscious that the driver had disputed that fact and claimed to have had a verbal conversation with one of the Public Protection Officers. However it was accepted by the driver that he had failed to disclose the conviction on his application form to renew his Private Hire and Hackney Carriage Drivers Licence on 15 January 2010.**
- 6. The Committee noted that the driver's representative had concern that the Committee had considered matters that had already been decided upon which went back many years. However, Members did consider that the issues raised in the report were nonetheless relevant to whether the driver was a fit and proper person to drive a taxi and were minded of the driver's representative's own admission who said of the driver that he had "an appalling record".**

Chair