

General Licensing Sub-Committee

Wednesday, 20 October 2010

Present: Councillor John Walker (Chair) and Councillors Hasina Khan, Alan Platt, Edward Smith and Stella Walsh

10.LSC.48 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Keith Iddon.

10.LSC.49 APPOINTMENT OF CHAIR OF THE GENERAL LICENSING SUB-COMMITTEE

In the absence of Councillor Iddon who was Chair of this Sub-Committee, Members were asked to elect a Chair for the hearing.

It was proposed by Councillor Hasina Khan, seconded by Councillor Stella Walsh and subsequently **RESOLVED – That Councillor John Walker take the Chair.**

10.LSC.50 DECLARATIONS OF ANY INTERESTS

There were no declarations of interests.

10.LSC.51 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 grounds 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.52 SECTION 61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RELEVANT CAUTION RELATING TO A HACKNEY CARRIAGE DRIVER

The Sub-Committee considered a report of the Director of People and Places, drawing Members of the Sub-Committee's attention to a complaint received from a member of the public relating to a Hackney Carriage Driver.

On 6 October 2010 officers of the Council received a complaint from a resident complaining that a Hackney Carriage Driver had stolen his mobile phone. Following enquires with Lancashire Constabulary it was confirmed that on 5 October 2010 the driver in question had been arrested for theft and that he had been dealt with by means of an adult Caution.

The driver, and his representative attended the meeting to put forward representations as to why his Hackney Carriage Licence should not be revoked.

The driver had been the holder of a Hackney Carriage Driver's Licence since 12 February 2010 when his application was granted by a General Licensing Sub-Committee. Officers were unable to use their delegated powers to grant the

application which was referred to the Sub-Committee for determination as the driver's CRB check had revealed a relevant Police Caution.

At the request of the Sub-Committee, the driver gave his recollection of events, which contradicted the statement supplied to the Police by the complainant.

The Sub-Committee considered all aspects of the incident, including representations from the driver, his representative and the Public Protection Officer, the witness statement, the statement of the Council's adopted policy and Home Office guidance issued relating to the Police issuing of adult Cautions.

Members of the Sub-Committee expressed disappointment that the driver had been brought before the Sub-Committee within less than one year since the grant of his Hackney Carriage Drivers Licence. On that occasion the application had been referred to the Sub-Committee for determination due to a similar incident for which the driver had also received a Caution. This caused the Sub-Committee serious doubt to the honesty of the driver.

The Sub-Committee found that the driver had breached a condition attached to his Hackney Carriage Driver's Licence which referred to property being accidentally left in the vehicle to be handed to the Police within 24 hours if not sooner, and did not fully accept the driver's reasoning as to why he had not handed the mobile phone in to the Police as soon as he had found it. This was supported by the fact driver admitted inserting his own SIM card in to the mobile phone.

In addition when the driver was asked about the mobile phone from the Police, he had claimed that someone had sold him the phone. This was a deliberate false statement and an act of guilt on his part.

After careful considerations of all the relevant factors the Sub-Committee **RESOLVED –**

- 1. To suspend the Hackney Carriage Drivers Licence until it expires on 11 February 2011.**
- 2. Should the driver wish to renew his Hackney Carriage Drivers Licence the driver must complete a new CRB check.**
- 3. The application must be referred to the Sub-Committee for their determination.**

Chair