

General Licensing Sub-Committee

Wednesday, 10 November 2010

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

10.LSC.57 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.LSC.58 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.LSC.59 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 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.60 REPORT CONCERNING AN OPERATOR'S LICENCE UNDER SECTION 62 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Request for an adjournment of the hearing

The Sub-Committee were informed of a request from the Operator for an adjournment of the Sub-Committee hearing for two weeks for personal reasons and to allow him to prepare his case.

Members of the Sub-Committee considered the Operator's request in great detail. Members noted that the Sub-Committee had been adjourned once on 3 November 2010 to accommodate the Operator. Members further noted that the relevant statutory timetable for circulating the agenda and reports had been complied with. Members also noted that the Operator had been aware of the allegations against him for some time due the investigations being conducted by the Council's Public Protection Officers even before the Sub-Committee which adjourned on 3 November 2010 was arranged.

Members considered that their responsibility to the citizens of the borough meant that consideration of serious allegations in the report could not continue to be deferred. Members were also mindful of the cost to the Council Taxpayers and officer time required for each committee hearing.

After careful consideration the Sub-Committee subsequently **RESOLVED – To continue with the hearing by a 4-1 majority.**

There was a short adjournment to allow the Public Protection Officer to contact the Operator and invite him to make representations at the hearing. The Operator was unable to attend due to a prior appointment.

Sub-Committee Hearing

The Public Protection Officer presented a report by the Director of People and Places which detailed a number of complaints regarding a Private Hire Company which led the Officer to believe that the Operator had breached his Operator Licence conditions and committed offences under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

Members of the Sub-Committee gave careful consideration to the representations from the Public Protection Officer, the witness statements included within the report, the Council's conditions attached to a Private Hire Operator Licence, and Sections 56 and 62 of the Local Government (Miscellaneous Provisions) Act 1976.

The Sub-Committee unanimously **RESOLVED – To revoke the Operator's Licence under Section 62(1)(b) and Section 62 (1)(d) of the Local Government (Miscellaneous Provisions) Act 1976 for the following reasons:**

- 1. Members were satisfied from the Public Protection Officer's report that pre-booked journeys had been undertaken without adequate records being maintained by the operator as required as a condition of his Operator's licence. The Sub-Committee noted that the Operator had failed to explain the absence of written records.**
- 2. The Operator had admitted in interview running the firm from his home address outside the Borough of Chorley which was not permitted by his licence from the Council. Members also noted that a driver connected to the firm gave similar evidence that the firm was run for part of the time from outside Chorley.**
- 3. The Operator had failed to demonstrate any improvement in his record keeping despite a formal warning from the Council on 19 July 2010.**
- 4. The Operator had admitted in interview driving a private hire vehicle where he did not possess a driver licence issued by the Council. Members did not consider his claim that he was unaware that it was an offence a valid excuse.**
- 5. Members considered that there was credible evidence from a statement from a customer taken by the Public Protection Officer that the Operator had carried a passenger without a private hire driver licence in a vehicle which was not licensed as taxi.**
- 6. Members were very concerned that the journeys undertaken without the proper vehicle or driver licences meant the travelling public lacked proper insurance.**
- 7. Members were very concerned that the Operator appeared to have driven a taxi in excess of the speed limit and had attempted to blame an innocent driver. Members noted that the incident was aggravated by the fact that the Operator held no private hire driver licence.**
- 8. Members were satisfied that there had been valid complaints about the standard of service from taxis run by the Operator. One vehicle was described as dirty both inside and out. One driver had been confused as to the destination and on a return journey passengers had been forced to change vehicles part way through the journey.**
- 9. Members were very concerned that taxis operated by the firm were carrying vulnerable persons despite their contract with the customer being terminated. Members were satisfied from the complaint received**

that this was not an isolated incident and had occurred over a period of time. Members were also concerned that the irregular journeys had continued despite the problem having been reported to the firm by the customer.

Chair