

General Licensing Sub-Committee

Wednesday, 16 March 2011

Present: Councillor Keith Iddon (Chair) and Councillors Judith Boothman, Anthony Gee, Debra Platt and Ralph Snape

11.LSC.11 APOLOGIES FOR ABSENCE

There were no apologies for absence.

11.LSC.12 DECLARATIONS OF ANY INTERESTS

There were no declarations of interests.

11.LSC.13 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.

11.LSC.14 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE

Members of the Sub-Committee considered a report from the Director of People and Places which sought the Sub-Committee's decision on an application for a private hire driver's licence.

During the application process, the applicant had failed to disclose previous convictions as required to do so. The applicant later indicated that he had felt it unnecessary to disclose his convictions on his application form as they would be detailed on his Criminal Records Bureau check.

The Sub-Committee were informed that the applicant had previously held a private hire and a hackney carriage driver's licence with Chorley Council between 1996 and 2006. During this time, the applicant advised that his previous convictions (apart from a speeding conviction in 1999) had never been considered by the Council. The applicant advised that he had appeared before the Licensing Sub-Committee on 5 October 1999 for failure to report a conviction for speeding, where he acquired six penalty points, a fine and that he had reached the DVLA disqualification.

The applicant, and his representative attended the Sub-Committee hearing to give representation in support of his application.

At this point the applicant, his representative and the Public Protection Officer left the meeting while the Sub-Committee Members deliberated their decision.

After careful consideration of all the relevant factors the Sub-Committee unanimously **RESOLVED - To grant a private hire and hackney carriage driver's licence.**

11.LSC.15 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE

Members of the Sub-Committee considered a report from the Director of People and Places which sought the Sub-Committee's decision on an application for private hire and a hackney carriage driver's licences.

The applicant, had one endorsement for speeding (SP30) on 19 May 2009, detailed on his driving licence, for which he received a fixed penalty and awarded three penalty points. The applicant's CRB check also revealed that in November 2008 at Crown Court the applicant had received an 18 month conditional discharge to run concurrently for using threatening, abusive, insulting words or behaviour and for common assault for an incident which took place in May 2008.

Members of the Sub-Committee were made aware that the applicant had previously held a private hire and hackney carriage drivers' licence with the Council first issued on 10 October 2003 and 1 October 2007 respectively.

The applicant appeared before the General Licensing Sub-Committee on 7 January 2009 to consider the conviction. At that time the Sub-Committee resolved to revoke the applicant's private hire and hackney carriage driver's licences. Following a successful appeal by the applicant at the Magistrates Court, the Council appealed that decision to the Crown Court under the Public Health Act 1936 Section 300-302. The appeal was considered at Crown Court in March 2010 which upheld the Council's appeal.

The applicant, and his representative attended the Sub-Committee hearing to give representation in support of his application. The applicant expressed remorse for the incident and an understanding of the seriousness of the conviction. Since the incident the applicant had successfully completed a national vocational qualification relating to taxi driving, and currently held a hackney carriage driver's licence from another Council.

At this point the applicant, his representative and the Public Protection Officer left the meeting while the Sub-Committee Members considered the application.

The Sub-Committee considered all aspects of the application including the verbal representations from the applicant and his representative, the relevance of his convictions, the Council's Policy on Convictions, the judgment made at Crown Court and the time lapsed since the conviction.

The Sub-Committee noted that the applicant had expressed remorse for his actions and noted that the applicant had not received any other convictions apart from the speeding offence since the incident. The Sub-Committee further noted that the applicant had undertaken additional training in the area of taxi driving for which he had gained a national vocational certificate. However, the Sub-Committee were minded that the incident for which the applicant was convicted was of a very serious nature. The Sub-Committee noted that the applicant was licensed to drive taxis by another Council. However the Sub-Committee considered that the application should be considered in the light of a policy adopted by Chorley Borough Council and on its own merits.

After careful consideration of all the relevant factors, the Sub-Committee unanimously **RESOLVED – That the application for a licence to drive private hire and hackney carriage vehicles be refused as Members of the Sub-Committee did not feel that enough time had lapsed since the date of the conviction in November 2008 that they could be satisfied that he was a fit and proper person. The Sub-Committee had regard to paragraph E2 of the Council's policy on previous convictions which states that an applicant should normally have at least five years free from the last conviction for violence and abusive behaviour before**

the grant of a licence. The Sub-Committee also had regard to paragraph E3 of the above policy which provides that a conviction for an offence relating to violence committed when the applicant was driving a taxi will be considered in a more serious light.

Chair