

General Licensing Sub-Committee

Wednesday, 26 October 2011

Present: Councillor Keith Iddon (Chair) and Councillors Doreen Dickinson, Paul Leadbetter, Steve Murfitt and Ralph Snape

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

11.LSC.32 APOLOGIES FOR ABSENCE

No apologies for absence were received.

11.LSC.33 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interests.

11.LSC.34 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 of the Local Government Act 1972.

11.LSC.35 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES

The Director of People and Places submitted a report seeking the sub Committee's decision on an application for a Private Hire drivers and Hackney Carriage Driver Licence.

The applicant had previously held licences from Chorley Borough Council and had repeatedly driven taxis which were unsafe and were not insured or taxed, put the travelling public and other road users at risk.

The sub Committee was shown photographs showing the condition of the tyres on one of the drivers vehicles when he had been stopped on 19 June 2009 and Members considered that they illustrated the drivers lack of care for the safety of his passengers and other road users.

The driver also had a long history at Chorley which had involved the revocation of an operators licence and revocation of his drivers licence in 2006 and later in 2010. The sub Committee considered that over the years the driver had been given the benefit of the doubt and issued with warnings but his continued breaches demonstrated that he was not a fit and proper person. Whilst a year had elapsed since he had last been licensed by Chorley Council the Sub Committee did not have any confidence given his previous conduct that he was now a fit and proper person.

The Sub Committee also noted that the driver had recently appeared before the Licensing Panel at Manchester City Council and Members considered that this

demonstrated that questions over whether the driver was fit and proper had arisen in the period since his last taxi licences were revoked by Chorley Council in 2010.

Members noted that the driver had gained a financial advantage by allowing the magistrates at his unsuccessful appeal in 2010 to make an award of costs in the belief that he had no other source of income when in fact he held various taxi licences from Manchester and Wigan. Members further noted that over the years that Chorley had incurred significant abortive costs from the driver's non-attendance at licensing hearings and that this had been mentioned in the magistrates' reasons for dismissing his appeal in 2010. Members considered that the costs incurred by Chorley Council because of the high level of enforcement activity in relation to the driver and his allowing the court to be misled were further evidence that he was not fit and proper.

The Sub Committee considered all the representations, taking into account the representations of the driver, his legal representative and the Council's Public Protection Officer.

After carefully considering and taking into account all the due factors, the Sub Committee did not consider that the driver was a fit and proper person and unanimously **RESOLVED to refuse his application.**

11.LSC.36 SUSPENSION AND REVOCATION OF PRIVATE HIRE DRIVER AND OPERATORS LICENCES

The Sub Committee received a report of the Director of People and Places seeking approval of the suspension and revocation of a Private Hire Drivers and Operators Licence.

The driver failed to attend the meeting which had been scheduled for 10.00am. Members waited until 11.30am before considering the agenda item in relation to the driver to allow him the opportunity to attend. Members were informed that the driver had telephoned the Council a few days previously and had asked for the meeting to be deferred. Members decided to proceed as the driver had been given the required notice of the hearing and had not given any reasons which would justify an adjournment. The Sub Committee considered the report which was outlined by the Public Protection Officer and were updated regarding the collision on 2 August 2011.

The Sub Committee noted that a significant number of defect and suspension notices had been served on vehicles within the operator's fleet during 2011 which demonstrated a risk to public safety. Members considered that the Operator had not been diligent in ensuring that vehicles which he operated were adequately tested and maintained.

The Sub Committee were also concerned that on several occasions in 2011 vehicles within the fleet did not appear to be adequately insured putting passengers and other road users at risk of inadequate compensation in the event of an accident.

Members were very concerned that a driver working for the Operator had taken bookings by mobile phone whilst driving a passenger and that the Operator appeared to expect drivers whom he employed to take bookings in this way.

It was also reported that the Operator had driven off after a collision with a parked vehicle on two occasions without leaving his details.

Whilst Members noted the issues identified in the recording of bookings contrary to the Local Government (Miscellaneous Provisions) Act 1976 had been addressed by the Operator, they still considered that overall the driver was not a fit and proper

person and after taking into account all the relevant factors, the Sub Committee unanimously **RESOLVED to revoke his Private Hire Operators Licence.**

Chair