

General Licensing Sub-Committee

Wednesday, 7 November 2012

Present: Councillor Marion Lowe (Chair) and Councillors Jean Cronshaw, David Dickinson, Graham Dunn and Ralph Snape

Also in attendance:

Officer: Alex Jackson (Senior Lawyer), Matthew Swift (Public Protection Officer) and Dianne Scambler (Democratic and Member Services Officer)

12.LSC.63 APOLOGIES FOR ABSENCE

There were no apologies for absence.

12.LSC.64 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interests.

12.LSC.65 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.

12.LSC.66 DRIVER UNABLE TO DEMONSTRATE MEDICAL FITNESS TO DVLA GROUP II STANDARDS

The Sub Committee received a letter asking for the decision to be deferred to a date after the 14 November 2012. The driver was currently away on holiday and was therefore unable to be present at the meeting.

RESOLVED – That the meeting be deferred to allow the driver to be present at the meeting.

12.LSC.67 DRIVER LICENCE SUBJECT TO SUSPENSION NOTICE ISSUED UNDER SECTION 61 (2)(B) OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report of the Director of People and Places to determine whether the driver was a fit and proper person to continue to hold his private hire driver licence following its suspension. The drivers licence had been suspended under Section 61 (2) (B) of the Local Government (Miscellaneous Provisions) Act 1976.

Officers had been contacted by Greater Manchester Police (GMP) regarding matters of a serious nature relating to the driver. The matters that had been raised were of such a serious nature that officers in consultation with the Chief Executive and the Director of People and Places had suspended the driver's private hire driver licence on 8 October 2012 with immediate effect and also suspended his private hire vehicle licence. Following receipt of the suspension notices, the driver surrendered his Private Hire Vehicle Licence, returning the vehicle licence plate and internal plate.

The driver had been charged with offences of a serious sexual nature that are alleged to have been committed in a Chorley Borough Council licensed Private Hire Vehicle on or about the 7 October 2012. The driver had been bailed under strict Police bail conditions on 7 October 2012 to appear at Bolton Crown Court on 30 October 2012. On the 30 October 2012 the driver had attended court and entered a plea of 'not guilty'.

Members were recommended to suspend the driver's Private Hire Driver's Licence until the criminal allegation has been fully resolved by the Courts or withdrawn. Members carefully considered the representations from the driver and his representative and the Public Protection Officer and **RESOLVED to suspend the driver's Private Hire Driver licence with immediate effect on grounds of public safety under Section 61 (2) (B) of the Local Government (Miscellaneous Provisions) Act 1976 until the criminal proceedings have been concluded, for the following reasons:**

- **The driver had been accused of offences of a serious sexual nature alleged to have been committed in a taxi;**
- **Members had regard to the bail condition which prohibits the driver from driving a private hire vehicle;**
- **Members considered that the suspension of the licence was fair and proportionate because it preserves the driver's interest in the licence until the allegations are thoroughly tested in the courts, whilst protecting the public.**

12.LSC.68 DRIVER LICENCES SUBJECT TO SUSPENSION NOTICES ISSUED UNDER SECTION 61 (2) (B) OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report of the Director of People and Places to determine whether or the driver should have his Private Hire Drivers and Hackney Carriage Drivers licences revoked under Section 61 (2) (B) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver did not attend. His representative explained that he was indisposed due to his psychological state for which he was receiving medical care. Members considered a request for an adjournment from the driver's representative but decided to proceed.

Members were reminded that the drivers Private Hire Driver Licence No PHD 0852 and his Hackney Carriage Driver Licence HCD0360 had been suspended following a meeting of the General Licensing Sub Committee on 5 January 2012.

The driver had at that time been charged by Lancashire Constabulary with the offences of:

- a) Assault Occasioning Actual Bodily Harm
- b) Having an offensive weapon
- c) Damage to property

The offences were of a serious nature and had been committed in connection with a Chorley Borough Council Private Hire Vehicle.

Members were informed that the driver had appeared at Preston Crown Court on 18 June 2012 answering to a charge of Assault Occasioning Actual Bodily Harm, having an offensive weapon and damage to property. The driver pleaded guilty to the offences and on 7 September was sentenced to 28 weeks imprisonment, suspended for 18 months with conditions.

The driver had previously held a private hire operator's licence in relation to the now defunct Chorley Private Hire. It had been revoked by the Council in May 2009

following years of repeated presentation of vehicles for testing from the firm's fleet in an unsafe condition.

Members carefully considered the representations from the drivers representative and the Public Protection Officer and **RESOLVED to revoke the private hire and hackney carriage driver licences with immediate effect on grounds of public safety.**

Members requested that the Licensing Unit keep an appropriate record of this decision on the licensing files.

The reasons for Members' decision were:

- **The driver had been convicted of a violent offence when driving a taxi;**
- **The attack was unprovoked;**
- **Members had regard to the Council's policy on previous convictions which states that offences committed when driving a taxi will be considered in a more serious light and a longer period of rehabilitation will be required;**
- **Members considered that the driver had been given adequate notice of the meeting and the opportunity to attend and give his side, or instruct his representative instead;**
- **The driver's representative was requesting an open ended deferral which Members did not consider acceptable. The licences had been suspended on 5 January 2011 and the driver sentenced on 7 September 2012. There was no reason not to determine the future of the licences.**

Chair