

General Licensing Sub-Committee

Wednesday, 4 December 2013

Present: Councillor Marion Lowe (Chair) and Councillors Jean Cronshaw, Doreen Dickinson, Danny Gee and Mick Muncaster

Also in attendance

Officer: Zeynab Patel (Solicitor), Stephen Culleton (Public Protection Officer) and Dianne Scambler

13.LSC.26 APOLOGIES FOR ABSENCE

There were no apologies for absence.

13.LSC.27 DECLARATIONS OF ANY INTERESTS

There were no declarations of any interests.

13.LSC.28 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.

13.LSC.29 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report of the Director of People and Places to determine whether a driver was a fit and proper person to hold both a Private Hire and Hackney Carriage Drivers licences.

The Council's Public Protection Officer outlined the report and informed the Sub Committee that officers had received an application from the driver on 30 September 2013. At the time the application was made officers advised the driver that it was likely that his application would be referred to the General Licensing Sub Committee for determination as his previous Private Hire and Hackney Carriage Drivers Licences had been previously revoked.

The driver first applied to Chorley Borough Council for a Private Hire Drivers Licence in 2003. The drivers' licence history from that time had caused the Council a disproportionate amount of enforcement action in comparison to other holders of comparable licences.

At a special meeting of the full Licensing Committee held in 2010, Members determined to revoke the driver's Private Hire and Hackney Carriage Drivers licences and the Sub Committee's attention was drawn to the details of that report, containing the drivers licensing history to that point.

The driver had provided a DSA Hackney Carriage/Private Hire Test Assessment Pass Certificate, a Completed Date Protection Mandate and a copy of his DVLA Drivers Licence that showed two convictions, of which only one was relevant to be considered under the Councils Statement of Licensing Policy. The driver had successfully

completed the Council's Medical and Knowledge test and the appropriate fee had been received.

Officers were aware that the driver holds Hackney Carriage Vehicles licensed at other authorities and also a Private Hire Vehicle licensed with Chorley Borough Council on a joint proprietorship with a Chorley licenced operator and the Sub Committee received details in respect of relevant licensing issues that had been dealt with by these authorities.

The driver made representations to the Sub Committee and gave explanations for the issues detailed within the report. The driver stated that his vehicle is always clean and tidy, was correctly insured and that he was a honest person. The driver also stated that he was well known in the area of Chorley; people knew him by name and asked to use his transport. The driver admitted that there had been problems in the past; he had been responsible for the management and maintenance of 17 vehicles, along with an operating base. It had not been an easy job to do and had become too much for him. The driver said that he was sorry for the past and that he had learnt from his mistakes and would do better in the future.

Councillor Daniel Gee left the meeting at 3.15pm.

Having considered all the relevant information that had been heard at the meeting, the Sub Committee **RESOLVED to grant the driver with a Private Hire Driver's Licence and a Hackney Carriage Driver's licence for the following reasons:**

- 1. Since the appeal decision in 2010, the driver had demonstrated, he had taken steps to resolve issues with other licensing authorities and had co-operated with officers to present valid insurance documents and paid outstanding financial payments.**
- 2. The driver's recent driving record shows he holds licences with three licensing authorities, two of which are driver's licences and he had been operating another authorities licensed Hackney Carriage Vehicle within the Borough of Chorley for approximately two years without any problems specifically related to Chorley.**
- 3. The driver holds a Private Hire Vehicle with the Council on a joint proprietorship with a Chorley Operator and there are no issues with this Licence.**
- 4. The driver declared all his convictions on his application and therefore, he was being honest with the licensing authority. The driver also declared all the licences he holds with other authorities outside of Chorley.**
- 5. That little weight is given to the speeding offence in 2012 in light of Council policy which states that for isolated convictions for minor traffic offences, such as speeding, should not normally prevent a person from being granted a licence. Records show that the driver presently has three current penalty points within the last two years and therefore the Sub Committee determine that this does not question his suitability as a driver. The Council's policy states that the applicant should have received more than six points to determine the driver is unsuitable.**
- 6. As more than 3 years had lapsed since the CU30 offence and the historic warnings and other sanctions. Members were satisfied that a period of rehabilitation had been demonstrated by the driver.**
- 7. The granting of these licences should not have a bearing on the state and condition of the vehicles as the licences will predominantly govern any driving undertaken by the driver. However, as the driver, he will be expected to make sure that the vehicle he will be driving is safe and roadworthy and that the vehicle licence conditions are complied with.**

The Chair also wanted to the following to be included in the decision notice:

You are allowed to drive taxi vehicles because it is the Sub Committee's view that you have demonstrated you are a fit and proper person now and will not drive vehicles with defects which cause a risk to public safety. You will have licence conditions to

comply with and you will be expected to follow these conditions properly. We recognise that there have been concerns with your licences with this authority in the past, however we have taken into account that you were managing 17 vehicles and acting as an operator back then and now you only have one vehicle licence. Going forwards, you have told us that you are an honest man and therefore we are putting our trust in you to drive safe vehicle for the benefit of the public.

Chair