

General Licensing Sub-Committee

Wednesday, 5 March 2014

Present: Councillor Marion Lowe (Chair) and Councillors Danny Gee, Adrian Lowe and Mick Muncaster

Also in attendance

Officer: Alex Jackson (Senior Lawyer), Jodi Fitzpatrick, (Solicitor) Stephen Culleton (Licensing Officer) and Dianne Scambler (Democratic and Member Services Officer)

14.LSC.5 APOLOGIES FOR ABSENCE

Any apology for absence was received from Councillor Keith Iddon.

14.LSC.6 DECLARATIONS OF ANY INTERESTS

No declarations of interests were received.

14.LSC.7 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.

14.LSC.8 SECTION 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976.

The Sub Committee was informed that on 21 November 2013, the driver had been found guilty at Chorley Magistrates for the offence of failing to wear his PHD Badge in a manner as to be plainly and distinctly visible. The driver was conditionally charged for six months and ordered to pay £70.00 towards the Council's costs and a £15.00 victim surcharge.

The driver had been stopped by Lancashire Police on 10 July 2013 on a day of action for failing to wear a seat belt; this was contrary to the Road Traffic Act 1998 for which he received a fixed penalty. The issue of not wearing a seat belt was also contrary to the conditions attached to his PHD licence, which explicitly states that a driver must wear his seat belt. Further questioning by licensing officers revealed that the driver did not have upon his person his PHD badge which he was required to wear whilst driving a private hire vehicle under Section 54 of the Local Government (Miscellaneous Provisions) Act 1976.

Members' attention was drawn to a number of previous issues that officers had dealt with in relation to the driver's driving licences and the reports and decision of a General Licensing Sub Committee that had sat on 10 February 2010. Members heard representations from the Council's Licensing Officer and received information regarding the Council's policy regarding convictions. The driver currently holds a PHD Licence which will expire on 19 February 2016, the driver had surrendered his HCD licence on 13 February 2014. In light of all the information contained within the report and the convictions that had been recorded against him, Members were asked to consider if the driver was a fit and proper person.

The driver attended the meeting along with his representative, to give representations about the information contained within the report. The driver acknowledged that he had been caught not wearing his seat belt or having his driver's badge on him at the time and although he gave his reasons for why that had happened, he accepted full responsibility for his actions and apologised. Although there were no passengers in the vehicle at the time when he was stopped, he understood that this was no excuse for what he had done.

Having considered all the information at the meeting the Sub Committee **RESOLVED not to suspend or revoke his private hire driver licence but to authorise the licensing officer to issue a warning letter to the driver to his future conduct to lie on the licensing file, for the following reasons:**

- **The driver had accepted full responsibility for not wearing his badge and his seat belt,**
- **The driver had apologised and said that it would not happen again; and**
- **There was no risk posed to passengers or the public.**

Chair