

MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE **Wednesday, 17 December 2014**

MEMBERS PRESENT: Councillor Marion Lowe (Chair) and Councillors Mark Jarnell, Hasina Khan and John Walker

OFFICERS: Elizabeth Walsh (Solicitor), Stephen Culleton (Licensing Officer) and Ruth Rimmington (Democratic and Member Services Officer)

APOLOGIES: Councillor Ralph Snape

14.LSC.22 Declarations of Any Interests

No declarations of interests were received.

14.LSC.23 Exclusion of the Public and Press

Decision: 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.24 Application for the granting of a Private Hire Drivers Licence Section 51 of the Local Government (Miscellaneous Provisions) Act 1976

The Sub Committee considered a report of the Director of Public Protection, Street Scene and Community for the determination of whether the applicant was a fit and proper person to continue to hold a private hire drivers licence under Sections 57 and 61 of the Local Government (Miscellaneous Provisions) Act 1976 in light of the Council's Policy relating to convictions.

The applicant first applied for a Private Hire Driver's Licence on 28 November 2008. The application process revealed that the applicant's driver licence had a number of Penalty Points and indicated that he had been banned from driving for a period of time. The applicant had appeared before the Licensing Sub-Committee on 1 April 2009 to have his application determined. Members determined to grant the applicant a Private Hire Drivers Licence with a warning that should he receive further speeding endorsements then he would be required to appear before the committee.

On 10 July the applicant had his Private Hire Driver and Private Hire Vehicle Licence revoked by the Council's General Licensing Sub-Committee. The applicant had been stopped by Lancashire Constabulary whilst in control of a Chorley Borough Council Private Hire Vehicle (PHV0585) whilst on route to a pre booking and acting as Private Hire Vehicle for failing to produce a certificate of insurance as required under Section

50 (4) of the local Government (Miscellaneous Provisions) Act 1976. At the same time the Vehicle was issued a PG9 statement for an illegal rear tyre where the tyre tread depth measured less than 160mm across the central $\frac{3}{4}$ off tread (the PG9 is a statement prohibiting the vehicle from use).

Members resolved to revoke the applicant's PHD licence giving the following reasons;

1. The applicant had admitted driving passengers on 62 occasions in a private hire vehicle which was not licensed as required under the law and was also contrary to the Council's private hire driver licence conditions. Members considered that this posed a serious risk to passengers.
2. The applicant had driven a taxi with an illegal rear tyre which was also contrary to the Council's vehicle licence conditions.
3. Members noted that the applicant had already written to the Council saying that he did not wish to continue as a taxi driver and had handed back his driver badge and vehicle plate.

The following driving convictions are recorded against the applicant's DVLA Driver Licence;

- 1) On 29 January 2012 SP30, 3 penalty points
- 2) On 10 July 2013 IN10, 6 penalty points

The Council were only made aware of this information when the applicant made an application for a Private Hire Drivers Licence on 5 September 2014. This meant that the applicant had failed to comply with the requirements of his Private Hire Driver Licence conditions by failing to notify the Council of any convictions within 7 days of receiving the convictions.

There was a need to have regard for the Council's Statement of Policy Concerning the Relevance of Criminal Convictions relating to the Determination of Applications or Renewal for a Hackney Carriage or Private Hire Drivers and the Operators and Proprietors of those Vehicles and Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant attended the meeting and made representations. The applicant advised that he had purchased insurance for his taxi on a daily basis and so had not received reminders to advise him his insurance had lapsed. There had only been three days when he had not had valid insurance, he had not intentionally driven without insurance. He knew the Police were on the car park at Curry's and explained that if he had known he didn't have insurance he would have avoided that car park.

The applicant advised the day the Police stopped him was the first day of Ramadan and he had been busy preparing for this. He acknowledged that he had made a mistake and said that he was only human.

He advised he felt he had paid for his mistake.

The sub committee considered the report in the presence of the applicant to consider whether the applicant is a fit and proper person to hold a Private Hire Driver's Licence in light of the Council's Policy in relation to convictions.

Members fully considered all the facts brought to their attention both verbally and written and **RESOLVED that the applicant is not a fit and proper person and they**

resolved the applicant's application to grant him a Private Hire Driver Licence should not be approved for the following reasons:

- 1. Members did not consider that there were any compelling reasons to depart from policy on previous convictions which envisages rehabilitation periods considerably longer than 17 months which have elapsed since the offence of driving without insurance. Driving without insurance is a serious offence which would require a substantial period to elapse before the applicant could be considered again for a Private Hire Driver Licence.**
- 2. Members noted that the applicant had driven passengers on 62 occasions whilst uninsured. The policy on previous convictions provides that offences when committed driving a taxi will be considered in a more serious light.**
- 3. Members noted that the applicant had failed to report his convictions for speeding in writing within 7 days as required under the conditions of his Private Hire Drivers Licence. This did nothing to persuade Members that the applicant is fit and proper.**

This decision does not prevent the applicant from applying for a Private Hire Drivers Licence in the future.

Chair

Date