



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 3 February 2016

MEMBERS PRESENT: Councillor Roy Lees (Chair) and Councillors Gordon France, Margaret France, Tom Gray and John Walker

OFFICERS: Alex Jackson (Legal Services Team Leader), Stephen Culleton (Licensing Officer) and Ruth Rimmington (Democratic and Member Services Officer)

16.LSC.59 Declarations of Any Interests

No declarations of any interests were received.

16.LSC.60 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

16.LSC.61 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.

16.LSC.62 Application for the Grant of a Private Hire & Hackney Carriage Drivers Licence made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 & Section 46 of the Town & Police Clauses Act 1847

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to bring to the attention of Members matters relating to the applicant, with regards to his Disclosing and Barring Certificate.

On 29 September 2015 officers received an application from the applicant made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 for the grant of a Private Hire Drivers licence (PHD) and Section 46 of the Town & Police Clauses Act 1847 for the grant of a Hackney Carriage Drivers Licence (HCD).

The applicant's Disclosure and Barring certificate identified a matter that fell within the Council's Convictions Policy: False Accounting, on the Theft Act 1968 S. 17 (1)(A)+S.17(1)(B). Issued by Merseyside Police on the 9th May 2012.

The applicant attended the meeting to make representations to the Sub Committee, along with his solicitor and his prospective employers.

The applicant had been employed as Manager of a premises from 2008 until 2015 by the owner. In 2012 the owner had instructed the applicant to discount the cost of an item within the café from £2.50 to £2 and enter it in the till as a miscellaneous purchase. The café was operated by a franchise, but the owner disagreed with the pricing operated by the franchise. When the applicant was on a day's leave the discounting was discovered by the franchise and reported to the police.

In the absence of his solicitor the applicant had accepted a caution, as a "slap on the wrists". He continued to work at the premises until it was sold in 2015. A written reference from the owner was presented for consideration.

The offence had not taken place within a taxi and the applicant had not benefited from the discounting. The caution had been accepted under False Accounting, which his solicitor submitted was rare as cases were more common under the Fraud Act. This, his solicitor suggested was potentially because it would be very difficult to prove loss or gain.

The applicant had no driving convictions recorded against his DVLA licence and had successfully passed the other requirements set down by the council in respect of his application.

After careful consideration and taking into account all the relevant factors in considering whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence and a Hackney Carriage Driver Licence the Sub Committee **RESOLVED to grant the applications for both licences for the following reasons:**

- 1. The caution is over 3 1/2 years old and therefore it is within the Council's policy on previous convictions to grant the applications**
- 2. There was no financial benefit to the applicant**
- 3. The applicant had no other convictions**

Chair

Date