



<b>MINUTES OF</b>	<b>GENERAL LICENSING SUB-COMMITTEE</b>
<b>MEETING DATE</b>	<b>Wednesday, 17 August 2016</b>
<b>MEMBERS PRESENT:</b>	Councillor Anthony Gee (Vice-Chair) and Councillors Gordon France, Sheila Long and John Walker
<b>OFFICERS:</b>	Lesley Miller (Regulatory Services Manager), Jodi Ingram (Solicitor) and Nina Neisser (Democratic and Member Services Officer)
<b>APOLOGIES:</b>	Councillor Mark Jarnell

**16.LSC.80      Declarations of Any Interests**

No declarations of any interests were received.

**16.LSC.81      Procedure**

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

**16.LSC.82      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 grounds 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.83      Section 61 of the Local Government (Miscellaneous Provisions) Act 1976; Suspension of Hackney Carriage/Private Hire Drivers Licence**

The licence holder did not attend the meeting. The Sub-Committee resolved to proceed with the meeting in the licence holder's absence.

The General Licensing Sub Committee considered a report of the Director of Early Intervention and Support to bring to the attention of Members matters relating to failure to provide a Disclosure and Barring Service (DBS) certificate as required by Chorley Council.

Following the implementation of Chorley Council's new checking procedures a project had been completed to ensure that the Council has had sight of all drivers DBS

certificates. The Council's policy requires that a DBS certificate is provided as part of the grant or renewal of a Hackney Carriage/Private Hire Drivers Licence. There is no record of the licence holder bringing in their DBS certificate on file.

The licence holder received numerous correspondences regarding this via telephone and letters and has been advised on several occasions to bring their DBS certificate to the Council offices or make an appointment to complete a new DBS form.

The Transactional Services Team contacted the licence holder and were advised that they were no longer driving. On 22 July 2016 the licence holder was contacted via letter requesting that they either completes a DBS application or surrenders their licence and requested a response by 3 August. No response was received by the end of 5 August 2016, when the Regulatory Services Manager tried to contact the licence holder, an answering machine message was left asking for a response as a matter of urgency.

The deadline for submitting the report was Tuesday, 9 August but no response was received from the licence holder by this date.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED** to

- 1. Suspend the drivers Private Hire Driver Licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, for a period of 2 months**
- 2. Delegate Powers to the Director of Early Intervention and Support to revoke the drivers Private Hire Driver Licence in the event that the DBS certificate has not been received by the Council within 2 months**
- 3. Delegate Powers to the Director of Early Intervention and Support to lift the suspension in the event that the driver produces a DBS certificate within 2 months**

on the basis that the licence holder has not responded to numerous correspondence from the Licensing Officers and has not produced a valid DBS certificate.

Suspension will take effect 21 days after the day on which the notice of the decision is given to the licence holder.

The holder of the license has 21 days from receipt of notice of the decision to appeal to the local Magistrate's Court.

#### **16.LSC.84 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976; Suspension of Hackney Carriage/Private Hire Drivers Licence**

The licence holder did not attend the meeting. The Sub-Committee resolved to proceed with the meeting in the licence holder's absence.

The General Licensing Sub Committee considered a report of the Director of Early Intervention and Support to bring to the attention of Members matters relating to failure to provide a Disclosure and Barring Service (DBS) certificate as required by Chorley Council.

Following the implementation of Chorley Council's new checking procedures a project has been completed to ensure that the Council has had sight of all drivers DBS certificates. The Council's policy requires that a DBS certificate is provided as part of the grant or renewal of a Hackney Carriage or Private Hire Driver Licence. There is no record of the licence holder bringing in their DBS certificate on file.

The licence holder received numerous correspondences regarding this via telephone and letters and has been advised on several occasions to bring their DBS certificate to the Council offices or make an appointment to complete a new DBS form.

The Transactional Services Team contacted the licence holder and were advised that they were no longer driving. On 22 July 2016 the licence holder was contacted via letter requesting that they either complete a DBS application or surrender their licence and requested a response by 3 August. No response was received by the end of 5 August 2016, when the Regulatory Services Manager tried to contact the licence holder the phone number would not connect.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED** to

- 1. Suspend the drivers Private Hire Driver Licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, for a period of 2 months**
- 2. Delegate Powers to the Director of Early Intervention and Support to revoke the drivers Private Hire Driver Licence in the event that the DBS certificate has not been received by the Council within 2 months**
- 3. Delegate powers to the Director of Early Intervention and Support to lift the suspension in the event that the driver produces a DBS certificate within 2 months**

on the basis that the licence holder has not responded to numerous correspondence from the Licensing Officers and has not produced a valid DBS certificate.

Suspension will take effect 21 days after the day on which the notice of the decision is given to the licence holder.

The holder of the licence has 21 days from receipt of notice of the decision to appeal to the local Magistrate's Court.

#### **16.LSC.85 Any urgent business previously agreed with the Chair**

Following previous discussion at the Licensing and Public Safety Committee on 20 July 2016, Members requested further that officers look into an extension of delegated powers to avoid hearings of General Licensing Sub-Committee to determine applications that might be better dealt with by officers and the Chair and Vice-Chair under delegated powers.

The Regulatory Services Manager assured that she understood the need for improvement and informed Members that they were currently in the process of reviewing the delegation of powers. It was hoped that a report would be presented at the next Licensing and Public Safety Committee meeting on Wednesday, 21 September regarding this.

It was **agreed** that the Chair (Councillor Marion Lowe), Vice-Chair (Councillor Anthony Gee) and Councillor John Walker would be provided with the contents of the report and the proposed amendments prior to the meeting.

Chair

Date