



**MINUTES OF GENERAL LICENSING SUB-COMMITTEE**

**MEETING DATE Wednesday, 7 December 2016**

**MEMBERS PRESENT:** Councillor Anthony Gee (Chair) and Councillors Jean Cronshaw, Keith Iddon, Mick Muncaster and Kim Snape

**OFFICERS:** Stephen Culleton (Lead Licensing Enforcement Officer), Tracy Brzozowski (Licensing Enforcement Officer), Elizabeth Walsh (Solicitor) and Nina Neisser (Democratic and Member Services Officer)

#### **16.LSC.90 Declarations of Any Interests**

No declarations of any interests were received.

#### **16.LSC.91 Procedure**

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

#### **16.LSC.92 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.93 Application for the Grant of a Private Hire and Hackney Carriage Drivers Licence Made Under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report for the members of the General Licensing Sub-Committee to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence.

The applicant attended the meeting to make representations to the Sub-Committee.

On 12 October 2015, officers received a co-terminus application under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 for the grant of a Private Hire Driver's Licence (PHD) and under Section 46 of the Town and Police Clauses Act 1847 for the grant of a Hackney Carriage Driver's Licence (HCD). The applicant's enhanced disclosure from the Disclosure and Barring Service was submitted in support of the application. This identified a conviction of concern involving dishonesty which falls within the Council's Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing.

The applicant successfully passed the Council's Knowledge Test on 13 October 2016, and met the Council's Group II Medical requirements and passed the DVSA Private Hire Driver Test Assessment.

The applicant disclosed a criminal offence concerning dishonesty, the details of which are reproduced below:

1. The applicant was convicted of an offence of conspiring/acting with intent to prejudice Her Majesty the Queen and the Public Revenue with intent to defraud for which he was sentenced to 16 months imprisonment.
2. In 2011, the applicant was disqualified from being a company director for 10 years.
3. In 2013, a confiscation order was made by the Crown Court.

The applicant spoke to officers of the Council on 24 November 2016 and explained that the conviction resulted from a friend who had opened a clothing business where the applicant was the Company Secretary. Another friend allegedly knew the company computer passwords and used these to create false invoices demanding money for goods/services not provided and then attempted to claim the VAT. The applicant does not accept being part of the fraud and explained that he only served 4 months of his sentence before being released on probation.

The applicant provided a detailed account of his convictions to Members of the sub-committee. The applicant reiterated to Members that he had no direct involvement in the crime and was unaware until Revenue and Customs approached him. The applicant admitted that he was too quick to trust his friend with regards to his business and assured Members that he would not do so as easily in future. The applicant reassured the committee that he had committed no other offences. The applicant said he was ashamed of his convictions and wanted to work hard for his family and give back to the community via his driving.

The applicant confirmed to Members that he currently held a Private Hire and Hackney Carriage Licence at Blackburn and Darwen Council. He explained to Members that he applied two years after being convicted but was refused as the required time period since his conviction was not spent. The applicant was granted his current licence at Blackburn and Darwen Council in 2014. The applicant presented his licence to the sub-committee to confirm its validity. Prior to this, he owned his own business.

After careful consideration and taking into account all the relevant factors in determining whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence, the sub-committee **RESOLVED; that the applicant was a fit and proper person to hold a Private Hire Driver Licence and Hackney Carriage Driver Licence and that his application should be approved**

subject to the requirements of the standard conditions for the following reasons;

1. Members noted that the applicant successfully passed the Council's Knowledge test on 13 October 2016 and DVSA Private Hire Driver Test Assessment. He also met the Council's Group II medical requirements.
2. Members considered the Council's Policy on Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing. In general, an applicant with convictions for dishonesty which were less than 5 years old was unlikely to be granted a licence. The Council's policy envisages the rehabilitation period for dishonesty offences between 3-5 years and will have regard to the circumstances of the offence and any evidence demonstrating that the person was now a fit and proper person to hold a licence. In light of this, Members noted that just over 5 years had elapsed since the applicant's convictions and the grant of a Private Hire and Hackney Carriage Driver Licence was therefore within the Council's policy on previous convictions under a) Offences of Dishonesty.
3. The applicant had not been convicted of any further offences in the intervening period and expressed remorse. The applicant told members that he was extremely ashamed of what he had done and explained that he had learnt from the experience and would not trust another person again so easily in the future. The applicant stated that he wanted to give back to the community again through his driving.
4. Since his conviction the applicant had obtained a Private Hire Drivers Licence with Blackburn and Darwen Council.

Members reiterated the seriousness of the conviction to the applicant and indicated that should anything happen like this again he would be brought back before the sub-committee; however Members understood that he had been punished for his convictions.

#### **16.LSC.94 Application for the Grant of a Private Hire and Hackney Carriage Drivers Licence Made Under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report for the members of the General Licensing Sub-Committee to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence.

The applicant attended the meeting to make representations to the Sub-Committee.

On 5 September 2016 officers received a co-terminus application under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 for the grant of a Private Hire Driver's Licence (PHD) and under Section 46 of the Town and Police Clauses Act 1847 for the grant of a Hackney Carriage Driver's Licence (HCD). The application identified that the applicant has not held a full DVLA Driver's Licence for the required three years.

The applicant successfully passed the Council's Knowledge Test, the Council's Group II Medical requirements and the DSA Hackney Carriage Private Hire Driver Test

Assessment. The applicant's Disclosure and Barring certificate and DVLA driver records do not indicate any previous convictions.

The applicant informed Members that although he had not held his full DVLA Driver Licence for the required three year period, he had been driving in Pakistan for two years and currently held a Taxi Driver's Licence in Blackburn and Darwen. He had provided a certificate of attendance for a basic Safeguarding and Modern Slavery course at Blackburn and Darwen in May 2016 and completed Chorley Council's Safeguarding Training in October 2016.

The applicant explained that his father was a Hackney Carriage Licence Holder in Chorley. Members were made aware that he had owned a car for the past three years and he was currently a takeaway delivery driver. The applicant drove approximately 20,000 miles per year and had had no accidents, made no claims on his insurance or received any points on his licence.

After careful consideration and taking into account all the relevant factors in determining whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence, the sub-committee **RESOLVED; that the applicant was a fit and proper person to hold a Private Hire Driver Licence and Hackney Carriage Driver Licence and that his application should be approved subject to the requirements of the standard conditions for the following reasons;**

- 1. The applicant passed his DVLA Driver Entitlement in April 2015. Members noted that he had held his DVLA entitlement to drive for approximately 2 years and 7 months, and so had another 5 months before meeting the minimum of three years at the time of application required to have held a licence.**
- 2. Members considered that the applicant passed the Council's knowledge test and DSA Private Hire Driver Test Assessment and there were no convictions on his Disclosure and Barring Certificate. The applicant had met the Council's Group II medical standards.**
- 3. The applicant obtained a Private Hire and Hackney Carriage Driver's Licence in September 2016 and had not been convicted of any offence during this time. He had completed the basic Safeguarding and Modern Slavery course at Blackburn and Darwen Council in May 2016 and Chorley Council's Safeguarding Training in October 2016.**
- 4. In addition Members considered that the applicant had had his own car for the last three years and drove approximately 20,000 miles every year. The applicant was also a takeaway delivery driver and had been for a year and a half. For the aforementioned reasons, Members felt that they were able to depart from Council policy.**

Chair

Date