



**MINUTES OF GENERAL LICENSING SUB-COMMITTEE**

**MEETING DATE Wednesday, 27 July 2016**

**MEMBERS PRESENT:** Councillor Marion Lowe (Chair), and Councillors Jean Cronshaw, Gordon France, Tom Gray and Mick Muncaster

**OFFICERS:** Lesley Miller (Regulatory Services Manager), Jodi Ingram (Solicitor) and Nina Neisser (Democratic and Member Services Officer)

#### **16.LSC.75 Declarations of Any Interests**

No declarations of any interests were received.

#### **16.LSC.76 Procedure**

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

#### **16.LSC.77 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.78 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976; Suspension of Hackney Carriage/private Hire Drivers Licence**

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.

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

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 and Private Hire Driver Licence. There is no record of the licence holder bringing in his DBS certificate on file.

The licence holder received numerous correspondences regarding this via phone, text, email 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 licence holder was contacted via telephone on 7 June 2016 but there was no response. Subsequently, a letter was sent on 16 June 2016 requesting the information. On 28 June an attempt was made again to contact the licence holder but the phone was dead, a working phone number was eventually found and the licence holder advised that they would find their certificate and bring it into the council offices or make an appointment to complete a new DBS form. On 8 July 2016 a voicemail reminder was left for the licence holder, and an SMS text message was also sent asking them to bring in the certificate or make an urgent appointment. A further text message was sent on 12 July 2016 reiterating this.

On Thursday, 14 July 2016 an SMS text message was sent advising that if the certificate was not brought to the council offices by Monday, 18 July then the matter would be passed to committee for suspension. No response or attempt to resolve this was received by the end of 18 July 2016.

On the morning of the committee meeting, 27 July 2016, the licence holder had an appointment scheduled at 10:30am in the council offices to resolve this, however they failed to attend.

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

- 1. Suspend the drivers Hackney Carriage and Private Hire Drivers 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 Hackney Carriage and Private Hire Drivers 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, the licence holder has failed to attend meetings and has not produced a valid DBS certificate.

Suspension will take effect 21 days after the day on which this notice is given.

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.79 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976;  
Refusal of Hackney Carriage/Private Hire Drivers Licence Renewal and  
Revocation of Hackney Carriage Drivers Licence**

This item was withdrawn prior to the meeting.

Chair

Date