



**MINUTES OF** **GENERAL LICENSING SUB-COMMITTEE**

**MEETING DATE** **Wednesday, 28 June 2017**

**MEMBERS PRESENT:** Councillor Marion Lowe (Chair) and Councillors Gordon France and Mick Muncaster

**OFFICERS:** Stephen Culleton (Lead Licensing and Enforcement Officer), Alex Jackson (Legal Services Team Leader), Stefanie Leach (Trainee Solicitor) and Nina Neisser (Democratic and Member Services Officer)

**APOLOGIES:** Councillor Tom Gray

**17.LSC.119 Declarations of Any Interests**

No declarations of any interests were received.

**17.LSC.120 Procedure**

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

**17.LSC.121 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 involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**17.LSC.122 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 to enable Members to determine whether the applicant was a fit and proper person to hold a Private Hire (PHD) and Hackney Carriage Driver's (HCD) Licence.

The Lead Licensing and Enforcement Officer informed the Sub-Committee that the applicant was unable to attend the meeting due to his current work. The applicant contacted the council the week prior to the meeting when he first received a letter of employment indicating that he would be away with work. He provided the council with a letter of employment as evidence, which was circulated to Sub-Committee at the meeting. It was noted that the applicant had been fully engaged throughout and supported the process.

The Sub-Committee were also informed that the applicant had not received a copy of the committee report due to an administrative error meaning that the report was not successfully sent to his address. In light of this information, the Sub-Committee decided to consider the report in his absence.

In March 2017, an application for the grant of Private Hire and Hackney Carriage Driver Licences was submitted. It was noted that the applicant had not previously held a PHV and HCD Driver Licence with Chorley Council. Within the application the applicant declared that he had been convicted of two separate offences of assault and a traffic offence. Ordinarily, this motoring conviction in itself would not be of concern to the Council.

The applicant attended an interview with the Council at the beginning of June 2017 to discuss the application made and the circumstances of the convictions received. The council was also informed that the applicant had become a Born Again Christian.

In response to the Legal Officer the Lead Licensing and Enforcement Officer confirmed that there were no issues regarding notifying the council of any change of address considering the nature of the applicant's job as his permanent base was in Chorley.

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 under Section 51 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 and that his application be granted for the following reasons;**

- 1. The more serious offences were historic and the rehabilitation periods in the Council's policy on previous convictions had run their course.**
- 2. The motoring conviction in 2014 for speeding was considered a minor offence.**

#### **17.LSC.123 Determine an Application to Renew a Hackney Carriage Driver Licence Made Under the Local Government (Miscellaneous Provisions) Act 1976**

The Director of Early Intervention and Support submitted a report to the General Licensing Sub-Committee regarding an application to renew a Hackney Carriage Driver (HCD) Licence. Members were to determine whether or not the applicant was a fit and proper person to hold a Hackney Carriage Driver's licence.

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

Prior to the start of the meeting, the Lead Licensing and Enforcement Officer received a letter from the licence holder's friends with regards to his character. This was circulated to the Sub-Committee at the meeting.

Officers received an application to renew a HCD Licence on 7 April. Council records indicated that the applicant had held a HCD licence with Chorley Council since at least April 1996. Further to the application, officers received a complaint from the Council's Medical advisor in relation to the conduct of the applicant.

In April 2017, the applicant underwent a medical test and the results were submitted to the Council's Medical Advisor as requested. In response, further clarification was sought as the test results provided were incorrect. The applicant presented suitable test results on 25 May 2017, the results were then forwarded to the Council's Medical Advisor for consideration.

It was understood that the applicant had completed his medical test in good time however the delay due to doctor's error meant that the applicant was unable to drive for a period as his HCD licence had expired. Following queries from the Legal Officer, the Sub-Committee were informed that this was the first time this error had occurred with the council's Medical Advisor.

The applicant subsequently attempted to contact the Council's Medical Advisor via his Secretary when he launched a series of harassing and abusive calls. In light of this unacceptable and unreasonable behaviour the Council's Medical Advisor refused to assess the new medical information pending a response to his complaints raised.

The Regulatory Services Manager contacted the Council's Medical Advisor informing him that the behaviour would be considered at the next General Licensing Sub-Committee. The Council's Medical Advisor subsequently assessed the report and concluded that the applicant was medically fit to be issued with a licence on the proviso that a regular assessment be undertaken every 12 months.

It was suggested to Members that this provision be repeated thereafter until a total period of entitlement of three years was achieved and it was proposed that no additional fee be attached to this provision.

The applicant attended a meeting with the Licensing Officer to give an account of his actions. The applicant acknowledged that his actions and behaviour were not acceptable and expressed his apologies. He stressed that he had been a taxi driver for many years and had never had any complaints raised in regards to his behaviour. He made reference to some personal issues that were affecting him. The Licensing Officer was aware that the applicant was issued a fixed penalty notice on in December 2011 for smoking in a Hackney Carriage Vehicle.

In response to queries, Members were reassured that the Council had no issues with the applicant previously apart from a few matters regarding vehicle cleanliness, however as he did not own the vehicle this was out of his hands to some extent.

The applicant reiterated his apologies to the Sub-Committee and stated that he regretted his behaviour on the phone call to the Council's Medical Advisor's Secretary, which was out of character. The applicant understood that his approach was inexcusable, but expressed that he was experiencing personal issues at the time which had built up whilst also awaiting confirmation of his results. He subsequently offered to write to the Medical Advisor and his Secretary to apologise.

The Lead Licensing and Enforcement Officer sought clarification that the applicant was fully aware of the correct medical test required and stressed the importance of submitting a medical and any other information to support the renewal of licences up to 3 months prior to the expiry of the licence. Failure to do so would result in the lapse of the HCD licence and any further consideration for a HCD licence would only be entertained by way of an application for a grant of a HCD licence.

The Sub-Committee **RESOLVED** to grant the Hackney Carriage Driver Licence for **12 months only with renewal based on consideration of medical fitness and the assessments recommended by the Council's Medical Advisor every 12 months and application of full renewal criteria every three years. Delegated power given to the Director of Early Intervention and Support to renew the licence if the applicant remained compliant with Group II medical standards. The reasons for this decision were as follows;**

- 1. The Council's Medical Advisor had said that the applicant could be Group II compliant with acceptable regular assessments every 12 months.**
- 2. The applicant promised to pass a letter of apology to the Council's Medical Advisor and his Secretary via the Lead Licensing and Enforcement Officer.**
- 3. The applicant expressed remorse for his behaviour towards the Council's Medical Advisor's Secretary.**
- 4. The applicant had not previously given cause for concern to the Council.**
- 5. The smoking offence in his taxi was historic.**
- 6. Members noted the letter from the applicant's friends as to his character and attached some weight to it.**

Chair

Date