



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 23 May 2018

MEMBERS PRESENT: Councillor Marion Lowe (Chair) and Councillors Doreen Dickinson, Margaret France, Adrian Lowe and John Walker

OFFICERS: Carl Gore (Empty Properties and Enforcement Officer), Jodi Ingram (Solicitor) and Nina Neisser (Democratic and Member Services Officer)

17.LSC.149 Declarations of Any Interests

There were no declarations of interests received.

17.LSC.150 Procedure

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

17.LSC.151 Exclusion of the Public and Press

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the grounds that it 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.152 To Determine if to Suspend or Revoke Driver Licenses as per Section 61 (b) of the Local Government (Miscellaneous Provisions) Act 1976

The Director of Customer and Digital submitted a report for Members to consider whether the licence holder remained a fit and proper person to hold his Private Hire, Hackney Carriage and Private Hire Operator Licences as well as any vehicle licences which he may hold.

The licence holder and his representative were both present to make their representations to the Sub-Committee.

Members were informed that on 30 April 2018, the licence holder rang Chorley Council to report that he had been involved in an accident on 28 April 2018 at approximately 4.00am.

The Licensing Enforcement Officer inspected the vehicle on 1 May 2018 at the Union Street offices. Photographs were taken of the vehicle to highlight the accident damage; these were included in the report. Following Member queries, it was

confirmed that the licence holder was issued a defect notice in order to get his vehicle repaired. He was able to continue driving the vehicle during this time.

The licence holder also completed the required Accident Report Form on 1 May 2018 at the council officer's request. In this form it was explained that the licence holder was driving when he dropped a drinks bottle into the foot well towards the car pedals. When the licence holder went to remove the bottle, he stated that he lost control of the vehicle and veered to the other side of the road before going up a verge and hitting the fence/bushes. It was confirmed later in the meeting that there was no actual contact between the licence holder's vehicle and the vehicle parked at the property; the post that was hit subsequently fell onto the parked vehicle.

The licence holder informed the Licensing Enforcement Officer that CCTV footage of the incident had been uploaded to social media. The Members of the Sub-Committee viewed the footage at the meeting. The footage illustrated the collision and the dry, clear weather conditions were noted.

The Licensing Enforcement Officer indicated that the licence holder left the scene of the accident on 28 April at approximately 4.00am but returned on Sunday, 29 April to the address of the damaged property and vehicle to reveal his details to the owner of the property and vehicle identified in the CCTV.

Members were reminded that whilst it was late at the time of the incident, contact details could have been left at the accident site address, however they were not. It was also recognised that no attempt was made during Saturday, 28 April 2018 to contact the owner of the vehicle and property that was damaged. The Licensing Enforcement Officer reported that this information was made public before the licence holder returned to the site of the incident to provide his contact details on Sunday, 29 April. It was understood that the owner of the vehicle had subsequently accepted the licence holder's offer to pay for any damages caused by payment of cash.

The licence holder's representative indicated discrepancies with regards to timings included within the report and informed the Sub-Committee that the licence holder attempted contact on Saturday, 28 April not Sunday, 29 April. After receiving a phone call on the Saturday, the licence holder text an intermediary to try and pass on his details to the owners, the intermediary explained that the owners were going out that night but he would pass on the licence holder's details to the owners. The licence holder provided Members with sight of this on his phone which indicated that a text message was first sent on Saturday, 28 April at 8.16pm.

Following Member queries, it was understood that the licence holder had come to the Council's attention previously in January 2018 when he was contacted by Chorley Council in regards to not reporting an accident that his hackney carriage vehicle had been involved in. The licence holder was not the driver at this time but a verbal warning was issued to the licence holder for breaching the licensing conditions to report to the Council within 72 hours. However, in the current incident being considered it was clarified that the licence holder had reported the incident under the required timescales as conditioned on his licence.

The licence holder's representative provided copies of a witness statement of the licence holder to the Sub-Committee in addition to character statements.

Via his own admission, the licence holder explained that he was in a state of shock immediately following the accident and not thinking straight, therefore could not explain why he left the scene of the incident. Confused as to what to do next, he did not want to disturb the owners in the early hours of the morning. The licence holder confirmed that he had woken up late the following day and received a phone call asking for assistance in identifying the vehicle involved in the incident. At this point, he stated that he was not aware that the footage had been posted on social media. Members queried what would have happened had the footage not been posted online. The licence holder stated that he would have gone back to the property.

Members queried how many hours the licence holder had been working and highlighted the possibility that he could have fallen asleep at the wheel. The licence holder confirmed that had been working for nine hours but went home for a break during this time. He reassured the Sub-Committee that he did not fall asleep at the wheel.

The licence holder's representative reiterated that the licence holder had made a fool of himself for a man with a lot of responsibility and was embarrassed by his actions. The licence holder accepted making a mistake in a moment of misjudgement for which he apologised and subsequently took the appropriate courses of action in the required timeframes. He reminded Members that the licence holder had worked in the taxi trade for numerous years with exemplary character and conduct and reassured Members that he could still be trusted.

After careful consideration of all relevant facts in the report and representatives from the Council's Licensing Enforcement Officer, the applicant and his representative, and having regard for the Council's Safeguarding, Suitability and Convictions Policy for Taxi Licensing, the Sub-Committee **RESOLVED that the licence holder remained a fit and proper person to hold Hackney Carriage and Private Hire Driver Licences as well as his Private Hire Operators Licence and any vehicle licences which he may hold. However, a severe warning would be issued and placed on his driver's file. The decision was taken for the following reasons;**

- 1. The licence holder had been of exemplary character for numerous years in the taxi trade, and it was recognised that on this occasion that he made an error in judgment when driving and subsequently failed to stop and provide details after the incident to the owners of the damaged property.**
- 2. The licence holder reported the incident in the required timescales as conditioned on his licences.**

Chair

Date