



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 25 January 2017

MEMBERS PRESENT: Councillor Marion Lowe (Chair), and Councillors Kim Snape, Mark Jarnell, Sheila Long and Mick Muncaster

OFFICERS: Stephen Culleton (Lead Licensing and Enforcement Officer), Tracy Brzozowski (Licensing Enforcement Officer) Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

17.LSC.95 Declarations of Any Interests

No declarations of any interests were received.

17.LSC.96 Procedure

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

17.LSC.97 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.

17.LSC.98 Determine Suspension Notices Issued Under Section 60, 61 & 68 of the Local Government (Miscellaneous Provisions) Act 1976

The Licence Holder attended the meeting and provided correspondence from his solicitor who could not attend the meeting at short notice. His solicitor therefore requested that the Sub Committee be adjourned to the next available hearing so that full representations could be made on behalf of the Licence Holder, or alternatively that the sub-committee merely continue the existing suspension of the licences and not revoke them.

Following discussion Members agreed to continue with the hearing with the Licence Holder present to make his representations to the sub-committee. Members noted that the Licence Holder was in attendance. The Licensing Officer also stated that Licence Holder's Solicitor had originally said that they would be in attendance. The letter from Licence Holder's Solicitor stated that the preferred solicitor was otherwise engaged which suggested that alternative representation could have been arranged. Members had to consider the cost to council tax payers of further adjourned hearings and

determined that the hearing was not arranged for the convenience of advocates. Members were satisfied that it was fair to proceed.

The Director of Early Intervention and Support submitted a report informing the sub-committee of the immediate suspension of the Licence Holder from driving his Hackney Carriage Vehicle and the suspension of the Hackney Carriage Vehicle Licence both under officer delegated powers. Members were asked to consider whether the Licence Holder was a fit and proper person to hold a Hackney Carriage Driver's Licence and whether he should hold a Hackney Carriage Vehicle Licence. The Council's records indicate that the Licence Holder has held both his Hackney Carriage Driver Licence (HCD) and Hackney Carriage Vehicle (HCV) licence since August 2006.

Officers were contacted by Lancashire Constabulary on 13 January 2017 regarding matters of a serious nature relating to the Licence Holder who had been stopped in his Hackney Carriage Vehicle and was arrested on suspicion of being in possession of a controlled substance with intent to supply. The matters raised were of such a serious nature that officers in consultation with the Deputy Chief Executive/Director of Early Intervention and Support suspended, on 13 January 2017, the Licence Holder's Hackney Carriage Driver licence under Section 61 (2B) (with immediate effect), and the Hackney Carriage Vehicle Licence under both Section's 60 (1)(c) and Section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

The arrest followed an intelligence report regarding the Licence Holder received by Lancashire Constabulary in October 2016. In response to this report the Police stopped the Licence Holder's Hackney Carriage Vehicle on 12 January 2017 with the intention of searching the vehicle for illegal drugs. The HCV was stopped on Bolton Street Chorley, where it was confirmed that quantities of different substances were recovered from beneath the driver's seat together with equipment (scales) for the weighing of small quantities. The Licence Holder was also in possession of £580.00 in cash and other drug paraphernalia. The Licence Holder was arrested and taken to Skelmersdale Police Station where he was bailed until 3 March 2017. Lancashire Constabulary have confirmed that the substances that were seized have been sent to the public analyst for determination, it is believed they are class B & C drugs.

The Licence Holder previously came to the attention of officers in March 2015, where he neglected to renew his HCV licence in a timely manner, on that occasion he was given the benefit of the doubt and allowed to continue with the process of renewing the HCV licence.

The Licence Holder assured the sub-committee that he had not been selling any form of illegal drugs or controlled substance. The Licence Holder explained that he found the white powder and scales in the back seat of his vehicle and placed them in the hinged compartment under the driver's seat with the intention of disposing of them, however he subsequently forgot to do so. He explained that he did not know who had left the white powder substance there but presumed it had been there for a few days before he found it. Upon questioning, the Licence Holder stated that he was unaware of the condition of his licence regarding lost property and therefore did not hand the

substance into the police. He admitted he had made a mistake in not doing so. The Licence Holder admitted that the cannabis in the hinged compartment belonged to him.

The Licence Holder informed Members that he had been smoking cannabis on a regular basis for medical reasons for the last couple of months and provided the sub-committee with medical reports to evidence his condition. He was unaware that he had to inform the council of this medical condition but stated that he did not smoke cannabis when on shift; it was only stored in the compartment under his seat. The Lead Licensing and Enforcement Officer stated that he had previously been unaware that the Licence Holder suffered from the medical condition disclosed to the sub-committee by the Licence Holder and would obtain further advice on the medical condition from the Council's medical adviser who is a doctor versed in Group 2 Standards.

When questioned on the intelligence report from Lancashire Constabulary, the Licence Holder initially stated that the details were not his own. He later confirmed that it was his vehicle, address and telephone number on the report however denied that he was addressed by the name included in the report. The Licence Holder confirmed that the vehicle was his own; no one else had access to the vehicle or was insured to drive the vehicle.

After careful consideration and taking into account all the relevant factors, the sub-committee **RESOLVED; to revoke the Licence Holder's Hackney Carriage Driver's Licence with immediate effect under Section 61[2B] and revoke his Hackney Carriage Vehicle Licence under Section 60(1)(c) of the 1976 Act on the grounds that he is not a fit and proper person for the following reasons;**

- 1. The Licence Holder admitted to smoking cannabis and this had been going on for a couple of months.**
- 2. Members did not find the Licence Holder's explanation that he did not smoke cannabis on shift credible because cannabis was stored in the hinged compartment situated under the driver's seat.**
- 3. Members were not satisfied with the Licence Holder's explanation that he simply found the other white powder substance in his vehicle and that it was not connected to him.**
- 4. Members did not consider that someone who admitted smoking cannabis and what is suggested by the circumstances of the arrest should have access to a Licensed Hackney Carriage Vehicle.**

Members were critical of the Licence Holder's failure to report his medical condition to licensing officers. The Council's Temporary Licensing Officer stated that the medical condition could affect driving capability. However, the Lead Licensing and Enforcement Officer conceded that he had never come across this particular medical condition as a fit and proper issue so members did not consider this as one of the grounds for revocation.

The Licence Holder has 21 days from receipt of notice of the decision to appeal to the local magistrates' court in respect of either licence.

Chair

Date