

MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE **Wednesday, 5 February 2020**

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) Margaret France, Terry Brown, Danny Gee and John Walker

OFFICERS: Tracy Brzozowski (Customer Services Manager (Enforcement)), Alex Jackson (Legal Services Team Leader) and Philippa Braithwaite (Democratic and Member Services Officer)

20.42 Declarations of Any Interests

There were no declarations of interests received.

20.43 Procedure

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

20.44 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.

20.45 Determination of Application to Renew a Private Hire Driver's Licence

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the Applicant was a fit and proper person to hold a licence.

The Applicant and his representative were present at the Sub-Committee.

The meeting was adjourned for 15 minutes in order to consider late information tabled by the Applicant.

The Licensing Officer outlined the report, informing the Sub-Committee that the applicant had been convicted of a motoring offence resulting in more than 3 penalty points and failed to notify the Council within 7 days of his conviction, breaching a condition of his Private Hire Driver's Licence.

The Licensing Officer advised that the applicant had held a private hire driver's licence since 2005. This licence was reviewed in 2009 as he had failed to declare two

convictions on his applications in 2008 and 2009. The Sub-Committee at that time decided to revoke the applicant's licence, but this decision was the subject of a successful appeal.

On 5 December 2019, the applicant applied to renew his Private Hire Driver's Licence. In this application he failed to declare the previous revocation of his licence and, although stating he had a penalty speeding fine, failed to include details of any previous or pending convictions.

Following enquiries regarding the circumstances of the speeding offence, the Licensing Officer advised that the applicant activated a speed camera whilst travelling at 44mph on a 30mph section of Rawlinson Lane, Chorley. This placed the offence in the middle band for seriousness, according to the sentencing guidelines. Members noted that the operator had confirmed the journey in question was not one with a customer.

In response to Members questions, the Licensing Officer advised that the need to declare convictions to the Council within 7 days was set out on the licence itself. With regards to assistance offered by the Council, it was noted that support was provided upon request but that it was the responsibility of the applicant to arrange this. In response to a follow up question, it was noted that the Licensing Officer was not aware of any assistance being requested in this case.

In response to questions from the applicant's representative the Licensing Officer advised that, outside the information included in the report, there was nothing to her knowledge to suggest the applicant had done anything like this before.

The applicant's representative addressed the Sub-Committee, referring to the statements circulated previously and tabled at the meeting. He advised Members that this had been the first time that the applicant, who had dyslexia, had renewed his licence without assistance. He also advised that the applicant was remorseful of his past and he had since maintained a clean record for many years. The applicant told the Sub-Committee that he had been a taxi driver for approximately 16 years with no complaints from the public or from taxi firms. He stated he had not been aware of the fine until it had reached the Magistrate's Court as he had experienced family circumstances and was not receiving post. He apologised for not informing the Council of the conviction and expressed his regret.

In response to Members' questions, the applicant advised that he was mistaken about the process for points being added to his licence, that he had not informed his operator about the conviction or spoken to other drivers about how it could affect his licence, and confirmed that he had been on a speed awareness course previously but could not remember dates.

In clarification of a point made by the applicant's representative, the Licensing Officer confirmed that the Council previously used a private company to look up drivers' information but now an anonymised code was used. She highlighted, however, that the onus remained on the driver to inform the Council of any convictions.

In summary, the applicant's representative stated that the failure to inform the Council of the conviction and the failure to disclose it fully on the renewal application had been an oversight of the applicant. He reiterated that the applicant had not received any

complaints and referred to the statements submitted regarding the applicant's good character.

After hearing from both the Licence Holder, his representative and the Licensing Officer, Members felt that the applicant was a fit and proper person to hold the licence and therefore Sub-Committee **RESOLVED to grant the application to renew for the following reasons but with a warning as to future conduct to lie on the applicant's licensing file:**

- 1. Members took account of the long history of the applicant's taxi driving without any complaints from passengers.**
- 2. The Council's policy on previous convictions calls for a warning for an isolated minor traffic offence.**
- 3. The applicant's last conviction before the conviction for a motoring offence was in 2006.**
- 4. The applicant had not declared his conviction in writing within 7 days to the Council but had declared his speeding conviction on his application renewal form.**

Members suggested that in future the applicant seek assistance from others when completing any application forms connected with taxi licences.

Chair

Date