

General Licensing Sub-Committee

Wednesday, 4 March 2009

Present: Councillor Edward Smith (Chair) and Councillors Doreen Dickinson, Hasina Khan and Debra Platt

09.LSC.42 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Stella Walsh.

09.LSC.43 DECLARATIONS OF ANY INTERESTS

There were no declarations of interests in any of the agenda items by any of the Sub-Committee members.

09.LSC.44 MINUTES

RESOLVED – That the minutes of the meeting of the General Licensing Sub-Committee held on 19 February 2009 be received.

09.LSC.45 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 ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local government Act 1972.

09.LSC.46 APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVERS LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub-Committee considered a report of the Director of Corporate Governance seeking the Sub-Committee's instructions on an application from Mr L.A.C. for a licence to drive a private hire vehicle.

The application could only be determined by the General Licensing Sub-Committee as the applicant had failed to notify the Council of various change of address as required to do so by the conditions attached to the private hire driver's licence.

Mr L.A.C. was the holder of a private hire driver's licence that expired on 15 January 2009 but had failed to renew his licence prior to the expiry date. A new application for a private hire driver's licence was submitted on 25 January 2009. Mr L.A.C. had a valid medical and Criminal Records Bureau check in respect of that application and it was at this point Licensing officers became aware that Mr L.A.C. had moved address and not informed the Council in writing.

On 30 January 2009 Mr L.A.C. attended Council Offices and was interviewed in accordance with the Police and Criminal Evidence Act 1984, Codes of Practice. During this interview Mr L.A.C. indicated that he had resided at 3 separate addresses, which included his current address. During the interview Mr L.A.C.

also indicated that he had misplaced his private hire driver's badge in November 2008 and admitted driving a private hire vehicles without displaying his badge from November 2008 until the expiry of this licence.

Chorley Council's conditions attached to a private hire driver's licence state that, 'If a driver changes his address, the proprietor shall notify the Council in writing of any change in address within 7 days of such a change taking place.' Mr L.A.C. has admitted that he had changed his address several times during the term of his private hire driver's licence and had not conformed to the Council's private hire driver's licensing conditions by informing the Council of the change in writing.

Section 54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states: 'A driver shall at all times when acting in accordance with the driver's licence granted to him wear such badge in such position and manner as to be plainly and distinctly visible'. Section 54(2)(b) of the Act states: 'If any person without reasonable excuse contravenes the provisions of this subsection, he shall be guilty of an offence'. A report has been submitted to the Corporate Director of Governance to determine how to deal with the offence in contravention of Section 54 of the Act.

Mr L.A.C. attended the Sub-Committee to put forward representations in support of his application. Mr L.A.C. explained the circumstances behind his changes of address, and acknowledged that he should have informed the Council on each occasion he changed address. It was during this time he lost his badge. Mr L.A.C. explained that he is due to sign a 2 year tenancy on a property shortly. Mr L.A.C. advised the Committee that he had also given his parents address as a postal address, as this was the business address from where he worked full time. Mr L.A.C. informed the Committee he is looking after the taxi business for his father whilst his father is ill. Mr L.A.C. added that he regularly receives mail and telephone calls at the business address.

The Sub-Committee considered all aspects of the case, including the applicant's representations and personal circumstances.

The Sub-Committee **RESOLVED** - unanimously to grant Mr L.A.C. a private hire vehicle driver's licence. The Chair had stressed to the applicant the importance of keeping the Licensing Section informed of any change in address.

Chair