

# General Licensing Sub-Committee

Wednesday, 5 August 2009

**Present:** Councillor Pat Haughton (Chair) and Councillors Anthony Gee, Marion Lowe, Debra Platt and John Walker

## 09.LSC.01 APOLOGIES FOR ABSENCE

There were no apologies for absence.

## 09.LSC.02 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest submitted by any Members of the Sub-Committee.

## 09.LSC.03 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 involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of the Schedule 12A to the Local Government Act.**

## 09.LSC.04 SECTION 51 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods seeking the Sub-Committee's decision on an application for a Private Hire Driver's Licence.

The application could only be determined by the General Licensing Sub-Committee as the applicant had been convicted of offences falling under part E (Violence and Abusive Behaviour) of the Council's Statement of Policy Concerning the relevance of Criminal Convictions Relating to the determination of an application or renewal for a Hackney Carriage or Private Hire Vehicle Driver's licence.

When the applicant completed his application for a Private Hire Driver's License he did not disclose any previous convictions. A CRB check later revealed that the applicant had been convicted at Preston Magistrates' Court on April 15, 2004 for a public order offence which occurred on January 3, 2004.

On July 8, 2009 the applicant attend an interview with Licensing Officers to discuss the omission to disclose the offence and explained the circumstances of the conviction. Up to this point the applicant said that he had been unaware of the conviction.

The applicant attended the meeting to put forward arguments why he considered that the Sub-Committee should consider granting him a licence. The applicant explained the circumstances of the conviction, advising Members that he had written a letter explaining what had happened to the Magistrates' Court. In response the Magistrates' Court sent him a letter that said he had received an Absolute Discharge by way of punishment of the offence and presumed that it meant he had not been convicted. The applicant only realised he had been convicted for this offence when the Licensing Manger brought it to his attention.

The applicant is currently the holder of a Private Hire Driver's Licence in Preston, but advised Members, if the application was granted he intended to only work in the Chorley area.

The Sub-Committee considered all aspects of the application, including the applicant's representations, the statement of the Council's adopted policy, and the relevance of the conviction.

After taking account of all relevant factors and considerations the Sub-Committee felt that the applicant was a fit and proper person to drive a private hire vehicle. The Sub-Committee therefore **RESOLVED unanimously to grant the applicant a private hire vehicle driver's licence.**

Chair