

Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	12/10/05

APPLICANT FOR PRIVATE HIRE DRIVER'S LICENCE – PREVIOUS CONVICTION

PURPOSE OF REPORT

- To bring to the attention of Members an application by Colin Clemance (date of birth 03/10/61) for a private hire driver's licence.

CORPORATE PRIORITIES

- This report is relevant to further the key corporate priorities of the Council ie making a safer Chorley by ensuring that all licensed drivers are fit and proper persons.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	4
Financial		Operational	
People		Other	

- There is a right of appeal to the Magistrates' Court against any decision of the Committee.

BACKGROUND

- Colin Clemance has applied for a private hire driver's licence and in his application he stated that he has no previous convictions. He was asked to reconsider the answer to the question as the officer interviewing him was aware that he had a previous conviction following his appearance at Preston Crown Court. Mr Clemance maintained that he had no previous convictions after being told that in an application of this nature convictions are never spent and all convictions, however old, must be declared.
- Mr Clemance completed a Criminal Records Bureau disclosure form and the disclosure reveals that Mr Clemance was convicted at Preston Crown Court on 19 September 1999 for an offence of dangerous driving. The sentence of the Court was a fine of £100, disqualification from driving for 18 months and until an extended driving test passed, and to pay £300 compensation.
- Mr Clemance at that time was the holder of a hackney carriage driver's licence and this was revoked by the Licensing and Safety Committee on 5 October 1999.

8. The circumstances leading to the conviction are that on 14 September 1998 a dispute arose between Mr Clemance and another hackney carriage driver on the hackney carriage rank in High Street, Chorley. Mr Clemance got back into his taxi and at that time the other driver was stood alongside a taxi talking to two other drivers. A customer got into the taxi driven by Mr Clemance and at this time the other taxi driver stepped out into the road. Mr Clemance revved the engine of his taxi and accelerated, he did not brake or swerve and hit the other taxi driver causing him injuries.
9. When interviewed by the Police Mr Clemance claimed that the other taxi driver had walked in front of his vehicle. Through his barrister Mr Clemance admitted that this was a thoroughly bad piece of driving, but that he had no deliberate intent to injure the other driver.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

10. Not applicable.

COMMENTS OF THE DIRECTOR OF FINANCE

11. Not applicable.

RECOMMENDATION(S)

12. That the Committee considers in the light of the previous conviction whether or not Mr Clemance is a fit and proper person to hold a private hire driver's licence.

ROSEMARY LYON
DIRECTOR OF LEGAL SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Keith Ogden	5163	4 October 2005	LEGREP/90565LM