

General Licensing Sub-Committee

Wednesday, 30 September 2009

Present: Councillor Keith Iddon (Chair) and Councillors Doreen Dickinson, Hasina Khan, Marion Lowe and Debra Platt

09.LSC.10 DECLARATIONS OF ANY INTERESTS

There are no declarations of interest by any of the Members in any of the meeting's agenda items.

09.LSC.11 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That the press and public be excluded from the meeting during discussion of the following items on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

09.LSC.12 SECTION 51, LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods seeking instructions on an application for a licence to drive hackney carriage and private hire vehicles.

The application could only be determined by the General Licensing Sub-Committee as the applicant had not satisfied the Council's policy that applicants for a Hackney Carriage/Private Hire Vehicles Driver's licence should have at least three years driving experience as the holder of a full EC driving licence.

The applicant had held a DVLA driving licence from 13 November 2007, and had also produced copies of a Pakistani driving licence valid from April 2005 to April 2006 and a Pakistani driving licence valid from April 2009 to April 2012. However, the applicant claimed to have lost the Pakistani driving licence which covered the period from April 2006 to April 2009.

The applicant had passed the required medical and knowledge tests and the criminal records bureau check had not revealed any past or current convictions.

The applicant attended the meeting, accompanied by a friend, to put forward representations in support of the application. The applicant confirmed that, prior to the granting of an EEC driving licence in November 2007, he had driven for 12 months under an international driving licence.

The Sub-Committee considered all relevant factors, including the applicant's driving experience since 2005; the lack of any criminal convictions; and the applicant's offer of a job opportunity.

Following the Sub-Committee's deliberations, it was:

RESOLVED – That the application for a licence to drive Hackney Carriage and Private Hire Vehicles now under consideration be granted.

09.LSC.13 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 instructions on an application for a licence to drive private hire vehicles.

The application could only be determined by the General Licensing Sub-Committee as the applicant had relevant convictions. The Sub-Committee would need to consider whether the applicant was deemed to be a fit and proper person to hold a driver's licence.

The applicant had submitted an application for the driver's licence in July 2009, and had passed both the Council's knowledge test and a Group 2 medical.

Whilst the driving licence produced by the applicant had revealed two convictions for traffic offences in September 2005 and October 2008, the applicant had not included on his application form reference to four other convictions in May 1999, June 2001, November 2004 and September 2005 which had been exposed by the criminal record bureau check in August 2009.

The applicant attended the meeting to put forward representations in support of his application.

The applicant stated his reasons for his failure to disclose past convictions on his application and explained the circumstances surrounding his last conviction in October 2008. The applicant reminded the Members that, with the exception of the conviction in October 2008, the past convictions were now "spent". His current driving licence showed only three penalty points.

The Sub-Committee considered all the relevant factors of the case and concluded that, in the light of the knowledge of the applicant's current conviction in October 2008 which evidenced that he had not been free of convictions in the last three years; the revocation of the licence granted by Blackburn and Darwen Council in July 2008 as a result of the invalidation of his insurance cover; and the relevance of past convictions for traffic offences which related to significant factors involving alcohol, children and insurance cover, the applicant was not deemed to be a fit and proper person to hold a private hire vehicles driver's licence.

Following the Sub-Committee's deliberations, it was:

RESOLVED – That the application for a licence to drive Private Hire vehicles now under consideration be refused.

Chair