



**Minutes of** **General Licensing Sub-Committee**

**Meeting date** **Wednesday, 1 September 2021**

**Members present:** Councillors Matthew Lynch (Chair), Roy Lees and Alan Platt

**Officers:** Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Charlotte Lynch (Democratic and Member Services Officer)

**Apologies:** Councillor John Walker

#### **20.54 Declarations of Any Interests**

None.

#### **20.55 Procedure**

The procedure that would be used to conduct the meeting was noted.

#### **20.56 Exclusion of the Public and Press**

**Resolved (Unanimously):**

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.

#### **20.57 Determination of Application for the Grant of a Private Hire and Hackney Carriage Driver Licence**

The Director of Planning and Development submitted a report for the General Licensing Sub-Committee to determine whether the applicant was a fit and proper person to hold a hackney carriage and private hire driver licence.

Mr Nathan Howson (Enforcement Team Leader – Licensing) presented the report and advised members that the applicant was before them due to convictions which fell within the council's policy and a licence history which was relevant in determining the application.

Members were reminded that the applicant had previously held both private hire and hackney carriage driver licences, but these had been revoked by a separate General

Licensing Sub-Committee in August 2018. The applicant's operator licence was also revoked in June 2019.

The applicant had appealed both of these decisions individually and the appeals were subsequently dismissed by Preston and Burnley Magistrates' Courts.

Following a complaint that the applicant had used an unlicensed vehicle and without the proper operator licence, the Council prosecuted the applicant and he was subsequently convicted of the following offences:

<b>Section</b>	<b>Description</b>	<b>Disposal</b>
S. 46 (1)(a)	Using a vehicle as a private hire vehicle without a licence	£1000 fine £3500 Council costs £100 Victim Surcharge
S. 46 (1)(i)	Operating a vehicle as a private hire vehicle without a licence	No separate penalty
S. 46 (1)(ii)	Operating a vehicle as a private hire vehicle where the driver doesn't hold a licence	No separate penalty

An application for a new private hire and hackney carriage driver licence was submitted on 11 August 2021 and the relevant information was provided.

The sub-committee was reminded that, where an applicant has more than one conviction within the 5 years preceding the date of application, a licence would normally be refused.

In response to member queries, Mr Howson confirmed that the applicant acted in the capacity of a call handler when he used an unlicensed vehicle to undertake a private hire job and that, although the call was taken through the operator's business, the applicant had made the decision to drive an unlicensed vehicle as an unlicensed driver himself.

Mr Howson also confirmed that there had been no complaints made to the Council since the applicant had been employed by a local taxi firm.

In accordance with the hearing procedure, the applicant was given the opportunity to make representations to the panel and to ask questions to Mr Howson.

The applicant stated to the sub-committee that he had supplied a good service in the 18 years that he had been licensed but acknowledged that two events in his personal life had significantly affected him emotionally.

He recognised that his conduct was wrong and led to him not being fit and proper to hold a licence at that time. However, assurances were provided to the panel that he had taken significant steps to rehabilitate and that he was confident in his ability to drive taxis again safely and competently.

As he did not hold an operator's licence, the applicant felt that he would no longer feel the pressures of running a business, which he admitted had contributed to his previous poor conduct.

The Chair queried whether the applicant was aware of the 5-year consideration policy, due to his multiple convictions, and asked what exceptional circumstances would apply for the sub-committee to consider deviating from this policy.

In response, the applicant stated that only one conviction was driver-related and therefore relevant to the application and that he believed himself to be rehabilitated and prepared to return to taxi driving.

The applicant was also questioned on the link between the personal issues he experienced and the deterioration in his driving. It was acknowledged that these issues had resulted in increased tiredness, instances of overthinking and poor management of his business and members of the sub-committee were given assurances that the applicant's personal life is more settled and that he does not experience disturbed sleep or the pressure of running a business.

In summarising, the applicant emphasised that he had learnt from his mistakes and acknowledged that he had let himself and the Council down. His exemplary record of 18 years was highlighted, and he reiterated his belief that he was fit and proper to represent the Council once again.

The Chair thanked everyone for attending and explained a decision notice would be issued to the applicant within 5 working days.

**Resolved: (For: 2 Against: 1)**

**After careful consideration, Members resolved that the applicant was a fit and proper person to hold a licence and determined to grant both a Private Hire and Hackney Carriage Driver licence to him for the following reasons:**

1. Members directed themselves that the impact statement from the applicant's wife was not relevant as the financial or other personal circumstances of the applicant are not grounds for granting a licence;
2. Three offences under the 1976 Act were committed not over a period of time but all relate to one incident in October 2018 so can be distinguished from separate offences over a period of time which might suggest repeat offending;
3. The applicant had demonstrated remorse for his past actions and insight into the causes. Members were satisfied that the applicant had determined to rehabilitate himself;
4. There was evidence of driving professionally for a takeaway business since September 2020 without complaint;
5. The Applicant had been a taxi driver for many years without issue until 2018 so he was capable of being trustworthy

The applicant has a right to appeal to the Magistrates Court within 21 days of receipt of the decision notice in relation to the conditions to be attached to the licence.

**Chair**

**Date**