

General Licensing Sub-Committee

Wednesday, 5 January 2011

Present: Councillor Pat Haughton (Chair) and Councillors Terry Brown, John Walker and Stella Walsh

11.LSC.01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Judith Boothman.

11.LSC.02 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

11.LSC.03 EXCLUSION OF THE PUBLIC AND PRESS

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

11.LSC.04 DETERMINE SUSPENSION NOTICES ISSUED UNDER SECTIONS 50, 60 & 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub-Committee considered a report of the Director of People and Places which sought Members' approval to uphold the suspension of a driver's Hackney Carriage driver licence and Hackney Carriage vehicle licence.

Lancashire Constabulary had brought officers' attention to an allegation of a serious incident relating to a Hackney Carriage driver. Due to the seriousness of the allegations, in consultation with the Chair of the Council's Licensing and Public Safety Committee, the driver's Hackney Carriage Driver Licence had been suspended on 7 December 2010, under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, which had immediate effect. The Hackney Carriage Vehicle Licence was suspended on 9 December 2010 under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 by the Director of People and Places.

The driver had been bailed to appear before Preston Crown Court on 21 March 2011.

The driver's Hackney Carriage driver licence and the vehicle licence expire on 31 March 2011 and 17 March 2011 respectively.

Before this incident, Council records did not indicate that the driver had previously been brought to the attention of the Sub-Committee.

The driver, and his representative, attended the meeting to put forward representations. The Sub-Committee were informed that the driver did not contest the suspension of his Hackney Carriage driver licence. However the driver's representative asked for the suspension of the Hackney Carriage vehicle licence to be lifted so that the vehicle could be rented to another Hackney Carriage driver who had a licence to drive in Chorley until the outcome of the criminal investigation and any court proceedings were known.

The driver, the driver's representative and the Public Protection Officers left the meeting whilst the Members deliberated.

The Sub-Committee considered all aspects of the suspensions including the Public Protection Officer's report, the verbal representations from the driver, the driver's representative and the Public Protection Officer, the seriousness of the allegations, the Home Office circular 6/2006 and in particular paragraph 20, the Police Five Point Intelligence System which had indicated a high standard mark against the allegations which related to the degree of reliability that could be placed on the information contained in the report, the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the driver's bail conditions.

After careful consideration of all the relevant factors the Sub-Committee unanimously **RESOLVED - That the driver's Hackney Carriage driver licence should remain suspended under s.61(1)(b) and s.61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 and that his Hackney Carriage vehicle licence remain suspended under s.60(1)(c) of the said Act for the following reasons:**

- (i) **The driver was the subject of serious allegations currently being investigated by the Police. Given the serious nature of the allegations the interests of public safety require both the driver and vehicle licences to remain suspended.**
- (ii) **The Sub-Committee noted that the offences are alleged to have occurred in the Hackney Carriage vehicle.**
- (iii) **The Sub-Committee further noted that a condition of the driver's bail is not to continue employment as a taxi driver. Members considered that a continued suspension of both driver and vehicle licences was merited in accordance with this bail condition.**
- (iv) **In relation to the vehicle licence Members noted that the driver intended to rent the vehicle out as Hackney Carriage should it become available to him. Members did not consider it desirable that the driver should continue to be involved in the taxi trade at all given the serious allegations until the Council can be satisfied that he was a fit and proper person.**
- (v) **In relation to the vehicle licence the driver would be unable to comply with any requirement of the Council to present the vehicle for inspection and testing as it remains under the control of the Police.**
- (vi) **Members noted that the driver did not oppose the ongoing suspension of his driver licence.**

Members further resolved that Public Protection Officers are requested to contact the driver in writing and advise him of his right to apply to renew the driver and vehicle licences by the relevant expiry dates and that determination of any application to renew the hackney carriage driver licence and hackney carriage vehicle licence will be deferred pending the outcome of the criminal proceedings.

11.LSC.05 CRIMINAL RECORD BUREAU DISCLOSURE APPLICATION

The Sub-Committee considered a report of the Director of People and Places drawing Members' attention to a Criminal Records Bureau (CRB) disclosure application for a taxi driver.

As part of the application process for a Hackney Carriage and Private Hire driver licence a completed Criminal Records Bureau (CRB) disclosure application was required. The forms are then passed to the Criminal Records Bureau for checks against the Police National Computer register to be completed.

The Sub-Committee were informed that on two occasions the Criminal Records Bureau had asked the driver to complete a fingerprint consent form as they had found someone with similar identity details to the driver, and they needed to take his fingerprints for elimination purposes. The driver duly completed the forms, and on each occasions an appointment was made for the driver to attend a Police Station convenient to him. However, on each occasion the Criminal Records Bureau informed the Council that the driver had failed to keep his appointment and that the fee had been forfeited.

The driver attended the Sub-Committee and explained the background as to why he had not kept his appointments with the Police and asked Members not to take action against him effecting his Hackney Carriage and Private Hire driver's licences.

After summarising their respective arguments, the driver and Public Protection officers left the meeting at this point.

Members were very concerned that there was not a recent CRB disclosure in relation to the driver and that he had not appeared to have progressed his applications with sufficient diligence despite being contacted by the Council's Public Protection Officers on several occasions. Members noted that a CRB disclosure was an essential part of the checks made to establish that a taxi driver was a fit and proper person.

After taking all the relevant facts in to considerations including the verbal representations from the driver the Sub-Committee unanimously **RESOLVED - That the driver be required to produce a CRB disclosure completed in its entirety no later than 1 March 2011; failing which the next available scheduled meeting of the Sub-Committee would consider taking action in relation to both his Hackney Carriage driver licence and Private Hire driver licence which could extend to their revocation.**

Chair