

General Licensing Sub-Committee

Wednesday, 9 February 2011

Present: Councillor Keith Iddon (Chair) and Councillors Doreen Dickinson, Hasina Khan, Edward Smith and Stella Walsh

11.LSC.06 APOLOGIES FOR ABSENCE

There were no apologies for absence.

11.LSC.07 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

11.LSC.08 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.09 SECTION 51 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee considered a report from the Director of People and Places which sought the Sub-Committee's decision on an application for a Private Hire Driver's Licence.

Chorley Council policy states that an applicant for a Hackney Carriage/Private Hire Driver's Licence should have a minimum of three years driving experience as the holder of a full DVLA driving licence. The applicant had held a full DVLA driving licence since 25 July 2008.

The applicant's Criminal Records Bureau check, convictions declaration, medical and knowledge test had satisfied the Council's requirements.

The applicant attended the Sub-Committee hearing and gave an account of his driving experience since gaining his driving licence.

After careful consideration of all the relevant factors, especially the applicant's driving experience and the lack of any criminal convictions the Sub-Committee felt the applicant was a fit and proper person and unanimously **RESOLVED - To grant the applicant a Private Hire Drivers Licence.**

11.LSC.10 HACKNEY CARRIAGE VEHICLE DRIVER SUSPENSION UNDER SECTION 61 (2B) OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub-Committee considered a report from the Director of People and Places drawing the Sub-Committee's attention to the suspension of a Hackney Carriage and a Private Hire Driver licence under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

On the 24 January 2011, the driver had informed the Council that he had been in a road traffic accident and gave a statement of how the collision happened.

Following an inspection, the vehicle was written off and a suspension notice for the vehicle was issued 27 January 2011. At that time, officers were made aware of another vehicle that had been involved in the collision which had also been written off. The Public Protection Officer felt that the driver's statement describing the collision did not reflect the seriousness of the damage to both vehicles.

On two occasions the driver was asked for a fuller explanation of the accident, on both occasions the Public Protection Officer felt that the driver could not give a reasonable explanation as to the cause of the accident. Following the second meeting on 31 January 2011, the Director of People and Places suspended the driver from acting as a Hackney Carriage and Private Hire Driver under section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, on the grounds of public safety as officers were concerned that in the absence of any reasonable cause for the accident being offered by the driver, that the Council should satisfy itself that there were no medical grounds that would prevent the driver from holding the appropriate taxi driver licences.

The Sub-Committee were advised that the medical examination had been carried out according to the Council's requirement and that the results had satisfied the Public Protection Officer that there were no medical conditions which would prevent the driver holding a taxi driver licence.

A Police investigation in to the accident was ongoing but as of the date of this Sub-Committee no charges had been made.

The driver, the drivers wife and his representative attended the meeting to put forward representations as to why the suspension should be lifted. The driver gave an account of how the accident had happened and driving conditions that morning.

The Sub-Committee considered all aspects of the suspension, including the verbal representations at the hearing, the circumstances of the accident including the driving conditions, the medical examination, the fact the driver had no current criminal convictions and that the Police had not yet brought charges against the driver with any offence related to the accident.

After careful consideration the Sub-Committee felt that driver was a fit and proper person to hold a taxi driver licence and unanimously **RESOLVED - To lift the suspension of the driver's Hackney Carriage and Private Hire Driver Licences.**

Chair