

General Licensing Sub-Committee

Wednesday, 11 January 2012

Present: Councillor Keith Iddon (Chair) and Councillors Hasina Khan, Paul Leadbetter, Dave Rogerson and John Walker

Also in attendance: Councillors Alex Jackson (Senior Lawyer), Bob Beeston (Public Protection Officer) and Dianne Scambler (Democratic and Member Services Officer)

12.LSC.41 APOLOGIES FOR ABSENCE

There were no apologies for absence.

12.LSC.42 DECLARATIONS OF ANY INTERESTS

No declarations of interest were received.

12.LSC.43 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 of the Local Government Act 1972.

12.LSC.44 SECTION 61 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - RENEWAL OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE'S

The Sub Committee considered a report of the Director of People and Places drawing Members' attention to the relevant convictions of a driver and asking them to consider whether to take any action under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The driver had renewed both his hackney carriage driver licence and private hire driver licences on 15 August 2011 and did not declare any convictions, cautions or fixed penalty notices on his applications contrary to the conditions attached to his private hire driver licence and legislation requiring material information to be disclosed.

A copy of his DVLA driver's licence and counterpart taken at this time revealed a fixed penalty offence TS 50 against him on 30 August 2010, for which he had received 3 penalty points endorsed on his licence.

On 18 November 2011, officers received a Criminal Record Bureau (CRB) Disclosure in respect of the driver which revealed three further convictions that had been registered against him since his last CRB check on 13 October 2008. The driver also had recorded convictions for food safety offences in 2002.

Inspection of a further copy of the driver's DVLA driving licence and counterpart at a meeting with officers on 16 December 2011 revealed a further conviction of SP30 for which he had received a further 3 penalty points endorsed on his licence which he had also failed to declare.

Favourable references from various persons were circulated at the meeting by the driver's representative in addition to those contained in the Public Protection Officer's two update reports.

The Sub-Committee considered all representations, taking in to account the representations from the driver, his representative and the Council's Public Protection Officer.

After carefully considering the above and taking due account of the relevant factors, the Sub-Committee **RESOLVED not to suspend or revoke the driver's hackney or private hire driver licences but to issue a warning as to his future conduct for the following reasons:**

(i) **Members noted that the food safety offences had already been considered by a previous sub-committee and are historic matters.**

(ii) **The Council's policy on previous convictions provides that the speeding offences are minor convictions.**

(iii) **Members noted the references in favour of the driver in the update reports and the additional ones circulated at the sub-committee.**

(iv) **Members were however concerned that the driver had failed to declare in writing to the Council several convictions for speeding and assault/battery within 7 days as required by his licence conditions and had failed to declare them on his renewal forms. Members wished to give a clear warning to the driver that failure to report and declare on applications for renewal future offences would be treated very seriously and could not only put his licences at risk but also make him liable to prosecution by the Council for failing to declare material information.**

Chair