

General Licensing Sub-Committee

Wednesday, 4 April 2012

Present: Councillor Stella Walsh (Chair) and Councillors Terry Brown, Paul Leadbetter, Beverley Murray and Alan Platt

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

12.LSC.54 APOLOGIES FOR ABSENCE

No apologies for any absence were received.

12.LSC.55 DECLARATIONS OF ANY INTERESTS

No declarations of any interest were made.

12.LSC.56 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.57 SECTION 57 & 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report of the Director of People and Places drawing Members attention to a number of convictions that had not been declared by 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 been required to apply for a Criminal Records Bureau (CRB) Disclosure on 21 November 2011; the Council had received the CRB Disclosure on the 9 January 2012 which identified four offences. It was also reported that the driver had a further offence for speeding for which he had been summoned to appear at Chorley Magistrates Court in 1996. Officers were concerned that the offences revealed had not been fully considered by the Council in line with the Councils Policy on Convictions as they had not been declared on the application form.

Members were informed that the driver had held Private Hire and Hackney Driver licences with the authority for a number of years, but has the Public Protection Officers did not have delegated authority to take any action against the driver, the matter had to be brought before the General Licensing Sub Committee for determination.

Member's attention was drawn to applications made by the driver for the granting of Private Hire and Hackney Carriage Driver licences made on 27 November 2008 and further applications to renew those licences on 12 November 2009 and 23 November 2010, copies of which were appended to the report.

The driver had applied for a three year renewal of his Private Hire and Hackney Carriage Driver Licence on 23 November 2010. For this renewal the Council did not

require a CRB disclosure as a previous one had been applied for on 27 November 2008 as a requirement for the application of the granting of Private Hire and Hackney Carriage Driver licences. Members were reminded that the Council have given CRB disclosures a three year life span during the provision of driver licences which does allow them to fall out of synchronisation of the renewal process. As officers were content that the driver had no outstanding matters that would frustrate the granting of the renewal of his licences at this time, the application was granted under delegated officer authority, as the application did not ask the applicant to recall all their convictions, just those received in the last 12 months. The licences were due to expire on 1 December 2013.

The Council records indicated that the driver had previously applied for Private Hire/Hackney Carriage Drivers licence in April 1995, the application had been refused on this occasion, for reasons of driving and criminal convictions.

Officers had also identified a number of offences that the driver had not declared when given the opportunity to do so on two separate occasions when he had applied for the renewal of his licences.

The driver attended the meeting with his representative, to give representations at the meeting regarding the convictions and offered an explanation as to why he had not declared them on his application forms over the years.

The driver, his representative, and the Public Protection Officer, left the room to allow the members of the Sub-Committee to deliberate.

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 and taking due account of the relevant factors, the Sub-Committee **RESOLVED not to take any action in relation to the drivers licences but to issue a warning to make full disclosure when requested to do so in future, in relation to all convictions, cautions and other relevant matters, for the following reasons:**

(i) **Members noted that the convictions were not serious and are outside the relevant period for the purposes of the Council's policy on previous convictions.**

(ii) **There had been no complaints about the driver from any members of the public.**

(iii) **Members did not consider that the driver had made full and frank disclosure in his application form dated 18 December 2003 and his application form on 27 November 2008.**

Members ask the driver to note that if he is brought before Committee on future occasions, the warning about the need to make full disclosure would be taken into account.

Chair