

General Licensing Sub-Committee

Wednesday, 14 August 2013

Present: Councillor Marion Lowe (Chair) and Councillors Matthew Crow, Mick Muncaster, Pauline Phipps and Alan Platt

Also in attendance

Officer: Alex Jackson (Senior Lawyer), Stephen Culleton (Public Protection Officer), Elizabeth Walsh (Legal Officer) and Dianne Scambler (Democratic and Member Services Officer)

13.LSC.18 APOLOGIES FOR ABSENCE

There were no apologies for absence.

13.LSC.19 DECLARATIONS OF ANY INTERESTS

No declarations of any interests were received.

13.LSC.20 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.

13.LSC.21 REVIEW OF PRIVATE HIRE/HACKNEY CARRIAGE DRIVER LICENCE AND PRIVATE HIRE VEHICLE LICENCE UNDER SECTION 60(1) (C) AND 61(1) (B) OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub Committee considered a report of the Director of People and Places to consider whether a driver was a fit and proper person to hold a Private Hire/Hackney Carriage Drivers Licence and Private Hire Vehicle Licence.

On 10 July the driver had been stopped by Lancashire Constabulary whilst in control of a Chorley Borough Council Private Hire Vehicle whilst on route to a pre booking and acting as a Private Hire Vehicle. He was found to be without motor vehicle insurance as required under section 143 of the Road Traffic Act 1988 and condition 38 of Chorley Borough Council's Private Hire Vehicle Licensing conditions.

At the same time the vehicle was issued a PG9 statement for an illegal tyre where the tyre tread depth measured less than 1.6mm across the central $\frac{3}{4}$ of tread which is contrary to condition 18 of Chorley Borough Council's Private Hire Vehicle Licensing conditions. Officers of the Council issued a suspension notice.

The Sub Committee noted that the driver had appeared before the General Licensing Sub Committee on 1 April 2009 to have his original application determined as the application process had revealed that the driver's licence had a number of penalty points and that he had been banned from driving for a period of time. Members at that time had determined to grant the driver a Private Hire Driver's Licence with a warning that should he receive further speeding endorsements, he would be required to appear before the Committee.

On 17 July the Council wrote to the driver with regards to providing details of insurance relating to his vehicle for the period 7 – 10 July 2013, where the vehicle had acted as a Private Hire Vehicle within the Borough of Chorley and other areas.

On 23 July the driver attended an informal interview with officers of the Council and was asked to produce a valid insurance certificate under section 50 (4) of the Local Government (Miscellaneous Provisions) Act 1976 to demonstrate that he was insured for the 62 journeys undertaken by him in the Private Hire Vehicle between 7-10 July respectively.

The driver stated that his vehicle was not insured and that he was the driver at the time. Officers were informed that the driver would be reported to the Courts for the offence of using a motor vehicle without insurance by Lancashire Constabulary.

Having considered all the information at the meeting the Sub Committee RESOLVED to revoke the driver's private hire/hackney carriage driver licences under s.61(1)(b) of the Local Government Miscellaneous Provisions Act 1976 and also to revoke the driver's private hire vehicle licence under s.60(1)(c) of the 1976 Act for the following reasons:

- 1) The driver had admitted driving passengers on 62 occasions in a private hire vehicle which was not licensed as required under the law and was also contrary to the Council's private hire driver licence conditions. Members considered that this posed a serious risk to passengers.**
- 2) The driver had driven a taxi with an illegal rear tyre which was also contrary to the Council's vehicle licence conditions.**
- 3) Members noted that the driver had already written to the Council saying that he did not wish to continue as a taxi driver and had handed back his driver badge and vehicle plate.**

Chair