



MINUTES OF	GENERAL LICENSING SUB-COMMITTEE
MEETING DATE	Wednesday, 15 July 2015
MEMBERS PRESENT:	Councillor Roy Lees (Chair), Councillor (Vice-Chair) and Councillors Anthony Gee, Hasina Khan, Mick Muncaster and Ralph Snape
OFFICERS:	Alex Jackson (Legal Services Team Leader), Stephen Culleton (Licensing Officer), Sarah Longden (Student Environmental Health Officer) and Dianne Scambler (Democratic and Member Services Officer)
APOLOGIES:	None
OTHER MEMBERS:	Driver and his representative, 2 members of the public.

15.LSC.39 Declarations of Any Interests

There were no declarations of interests.

15.LSC.40 Procedure

The Chair outlined the hearing procedure following a complaint that would be used for this meeting following a complaint

15.LSC.41 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.

15.LSC.42 Section 60 & 61 of the Local Government (Miscellaneous Provisions) Act 1976, suspension and revocation of vehicle and drivers licences

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine if a driver is a fit and proper person to continue to hold his Hackney Carriage Vehicle and Hackney Carriage Driver licences following a complaint that had been made by a member of the public under Section 60 and 61 of the Local Government (Miscellaneous Provisions) Act 1976 – Suspension and Revocation of vehicle and drivers licences.

The driver and his representative, attended the meeting along with the complainants who had submitted the complaint against him.

On 4 June 2015, the Council received a complaint from a member of the public in relation to the manner in which Hackney Carriage Vehicle (HVC) was being driven on the evening of 29 May 2015 within the borough of Chorley and the Sub Committee provided with the details of the alleged complaint and viewed CCTV footage of the incident.

The driver was interviewed by officers in light of the complaint that had been received and a copy of his statement was contained within the report.

A statement from a member of the public who was one of the motorcyclists also provided a statement of the events on that evening. Although submitted after the agenda was published, this information was circulated to Members of the Sub Committee ahead of the meeting and the driver and his representative were given sufficient time to read its contents before the meeting commenced. The driver's representative, did request for this information not to be considered due to the lateness of when the driver received the documentation; however after careful consideration the Sub Committee dismissed the request on the grounds that the statement added little extra to the initial complaint, was only three pages long and could be considered by the driver and his representative during the short period during which members debated in private the request to exclude the further statement.

The driver, his representative and the complainants all answered questions of each other and the Sub Committee throughout the hearing to ascertain all the relevant facts before a decision was made.

Members were concerned about the positioning of the two motorcycles and sought clarification about the staggered road formation on the dual carriageway.

Members also wanted to be clear about the events that took place before and after the driver forced his way through the middle of the two motorcyclists at the roundabout as was evidenced on the CCTV footage and were satisfied that they had all the relevant facts they needed to make their decision.

After considering all the information at the meeting the Sub Committee **RESOLVED to authorise the Lead Licensing and Enforcement Officer to issue a written warning to the driver to lie on his licensing file.**

The driver must satisfy the Licensing Unit that he has successfully completed a speed awareness course and a DSA taxi test within the next 3 months. If he fails to do this the driver will be brought back before the Sub Committee who will give serious consideration to revoking his driver's licence.

If the driver appears before the Sub Committee for any other reason in the future his driver licence may well be revoked.

Members listened to the complainants and the driver and his representative and viewed the CCTV footage. They were satisfied that the driver's standard of driving fell below the standard expected of a taxi driver.

The reasons for the decision are as follows:

1. **The driver's driving was inconsiderate and intimidated the complainants. Even if the driver felt frustrated and felt he was being obstructed he should not have reacted by coming up so close behind the complainants. His driving was contrary to paragraph 147 of the Highway Code.**
2. **The driver drove too close to the complainants and by driving between them failed to give them adequate room when overtaking contrary to paragraphs 163, 212 and 213 of the Highway Code.**
3. **Members are satisfied that the driver exceeded the 30mph speed limit.**
4. **The driver has driven a taxi in Chorley for several years without complaints. Members have taken into account his previous good history.**
5. **The driver has no previous convictions or current endorsements on his DVLA licence.**
6. **Members note that the police initial view was not to press charges against the driver.**
7. **Members can see that the driver felt frustrated as he tried to overtake the complainants though they do not regard this in any way as an excuse for his behaviour.**

Chair

Date