



<b>MINUTES OF</b>	<b>GENERAL LICENSING SUB-COMMITTEE</b>
<b>MEETING DATE</b>	<b>Wednesday, 20 January 2016</b>
<b>MEMBERS PRESENT:</b>	Councillor Roy Lees (Chair), Councillors Jean Cronshaw, Doreen Dickinson and Ralph Snape
<b>OFFICERS:</b>	Stephen Culleton (Licensing Officer), Jodi Ingram (Solicitor) and Ruth Rimmington (Democratic and Member Services Officer)
<b>APOLOGIES:</b>	Councillor Steve Murfitt
<b>OTHER MEMBERS:</b>	None

#### **16.LSC.55 Declarations of Any Interests**

No declarations of any interests were received.

#### **16.LSC.56 Procedure**

The Chair outlined the hearing procedure that would be used to conduct the meeting.

#### **16.LSC.57 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.**

#### **16.LSC.58 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, suspension of private hire and hackney carriage driver's licence**

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to bring to the attention of Members matters relating to the driver with regards to his Disclosing and Baring Certificate.

The driver was first granted his Private Hire and Hackney Carriage Driver Licences in May 2004. He currently holds entitlement to a Chorley Council Private Hire Driver's Licence PHD 0748 and Hackney Carriage Drivers licence HCD 0307. The driver last renewed the licenses in May 2014, both licenses will expire on 17th May 2017.

The driver attended the meeting to make representations to the Sub Committee.

The driver had not provided a current Disclosing and Barring Certificate. The driver was written to twice in April 2014 advising him that he was required to complete a Disclosing and Barring Certificate application, the driver completed the application in May 2014, this application was returned by the DBS in June 2014 as there was insufficient information to carry out the required checks. The driver was further written to in June, July and August 2014 to request the additional information to enable the DBS to conduct the required checks.

The driver was written to in September 2015 and asked to make a new application. In November 2105 the driver completed another DBS application, but failed to provide sufficient details to enable the disclosure application to be sent off to the DBS.

Officers invited the driver to the Councils Offices in December 2015 to attempt to resolve the issues, the driver failed to keep that appointment. The driver contacted the Council two days later and stated that the reason for his non-attendance was that his driving licence had been sent off to the DVLA and had not been returned.

The Disclosure and Barring Services provided a valuable service as they identified any recorded offences made against the applicant. This information assisted Councils in determining whether or not an applicant was a fit and proper person to hold positions of trust, equally the Chief Officer of police had opportunity to inform of any matters that he believed should be brought to the Councils attention in relation to the position they were applying for.

Officers were not aware that the driver had come to the attention of the Authorities in the past and his DVLA driver record did not show any convictions.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provided the authority that Members should rely on when determining this report.

Members were informed that the driver had, in fact, completed a DBS application the previous day at the Council offices. It was impossible to say whether this application would be returned by the DBS due to insufficient information to carry out the required checks.

The driver explained that 18 months ago he had split up with his wife and had lived at various friends' houses. He had mistakenly given the Council the wrong address, which had led to delays in him receiving his mail.

The driver had been out of the country for a number of months when his brother had passed away in August 2015. He had also stayed with a friend for a period of time as he had been hoping to reconcile with his wife. This had contributed to the insufficient information to allow the DBS to carry out the required checks.

The driver had now moved into a property and had notified the DVLA of his change of address. Members stressed the importance of the Council being able to contact him in case of any queries.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED** to:

- 1. Issue a warning as to future conduct to lie on the driver's file for the delay in facilitating his DBS check.**

- 2. In the event that the DBS returns once again with insufficient information that the matter be referred to the Sub Committee for further consideration**

**Members wish to stress to the driver the importance of keeping the Licensing department informed of his address and any other changes to his details and completing his paper work in a timely manner.**

**For the following reasons:**

**The driver has had a licence since May 2004 without issue.**

**The Council are not aware of any previous conviction or offences and the driver has a clean licence.**

**Members were satisfied with the driver's explanation as to the difficulty he has had in providing a permanent address due to his personal circumstances however wish to impress upon the driver the importance of keeping the Licensing department informed of his address and any other changes to his details and completing his paper work in a timely manner.**

Chair

Date