

MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 6 December 2017

MEMBERS PRESENT: Councillor Matthew Lynch (Chair) and Councillors Tom Gray, Gordon France, Sheila Long and Mick Muncaster

OFFICERS: Jenette Hicks (Lead Licensing Enforcement Officer), Jodi Ingram (Solicitor) and Nina Neisser (Democratic and Member Services Officer)

17.LSC.131 Declarations of Any Interests

There were no declarations of interests received.

17.LSC.132 Procedure

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

17.LSC.133 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 grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

17.LSC.134 Review of a Hackney Carriage and Private Hire Drivers Licence

The Director of Early Intervention and Support submitted a report for the General Licensing Sub-Committee to review the Hackney Carriage (HCD) and Private Hire Drivers' (PHD) licences. Members were to determine whether the licence holder remained a fit and proper person to hold HCD and PHD.

The licence holder and his representative were both present to make their representations to the Sub-Committee.

The licence holder applied for a PHD and HCD licence in February 2016. The application was processed and issued on 4 April 2016. The licence holder had completed the Council's Mandatory Safeguarding training in September 2016. He received an SP30 motoring offence in August 2014, but this was now spent.

On 19 October 2017, the Council's Regulatory Services Manager was contacted via email by the Compliance Manager of Integrated Transport Services at Lancashire County Council. The email outlined that a Chorley licensed PHD undertaking Lancashire County Council school contract work, had been recorded using his mobile

phone whilst driving. The recording had been made by the child whilst being transported by the driver to school. A copy of the recording was viewed by Members of the Sub-Committee at the hearing.

Investigations took place that confirmed the licence holder concerned as the driver of the vehicle. Following this, an interview, jointly led by officers from Chorley Council and Lancashire County Council was conducted. The licence holder was shown the video clip provided by the passenger and confirmed that he was the driver of the vehicle when the recording was taken.

The licence holder accepted that the footage demonstrated that the vehicle was moving when the phone was being used however, he was unclear what he was using his phone for and states he had no recollection of using his phone. The licence holder confirmed that he had subsequently checked his phone for texts/calls made around the time of the incident but was unable to find anything.

The licence holder understood that it was not acceptable to use his phone whilst driving but could not provide an explanation as to why he chose to do so on this occasion. The licence holder was very embarrassed and ashamed of his actions and outlined that he had family friends who had lost their daughter as a result of an 18 year old texting whilst driving. It was reported that the licence holder was visibly upset during the interview.

The Lead Licensing Enforcement Officer advised the Sub-Committee that there was no motoring conviction against the licence holder for this incident. The evidence on which Members were to base their decision was on the information outlined in the report and the footage and representations provided at the hearing. It was reiterated to Members that there had been no previous concerns or no complaints made regarding the licence holder since being licenced with the Council.

Following queries, it was advised that there was no evidence from the licence holder's phone provider to indicate that the phone was being used to send messages and make calls at this time; however you could see the movement of his hand using the phone on the video. In addition, the licence holder clarified that the car provided by his employer had a Bluetooth system and there was no satnav; he would look on google maps on his phone to pre-plan journeys when travelling out of Chorley but agreed on this occasion that he knew where he was going when the incident took place.

The licence holder reiterated to the Sub-Committee that the incident was a moment of stupidity which he deeply regretted; not only had it cost him money but also his dignity and he could not face his family. He advised that he had searched through his phone to find any record of messages or calls made at the time but was unable to find anything. The licence holder stated that he could not apologise enough, and to simply say sorry was an understatement. He indicated that his employer strongly addressed the incident and he understood the negative effect this had on the reputation of Chorley Council. He advised the Sub-Committee that he had learnt from his mistakes and now left his phone in the glove compartment and would only answer if it rang more than once, indicating an emergency, and would also pull over to take a call.

The licence holder's representative expressed that the licence holder had not been working for them long however he always received numerous compliments off customers. Following the incident, it was reported that the licence's income had suffered. The representative reiterated that the licence holder received a thorough

telling off and reminded Members that there had been no police involvement and no points received, although he understood that this did not make the situation right.

After careful consideration of all relevant facts in the report and the representations from the Council's Lead Licensing Enforcement Officer, the applicant and his representative, and having regard for the Council's Safeguarding, Suitability and Convictions Policy for Taxi Licensing, the Sub-Committee **RESOLVED** that the licence holder remained a fit and proper person to hold a hackney carriage and private hire drivers licence. However, a warning would be issued and placed on his drivers file as to future conduct which may be taken into account should any further complaints be received. The decision was taken for the following reasons;

- 1) Whilst Members recognised the serious nature of the licence holder's actions, he had shown remorse and was ashamed that this had taken place.
- 2) The licence holder confirmed that he had learnt from his mistake and it would not happen again. The licence holder informed the Sub-Committee that his phone now remained in the glove compartment and he now pulled over to answer his phone if in the case of emergency.

The Sub-Committee advised that the Council would be speaking to the trade to remind them to drive responsibly.

Chair

Date