



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 14 February 2018

MEMBERS PRESENT: Councillor Matthew Lynch (Chair) and Councillors Jean Cronshaw, Sheila Long, Adrian Lowe and Mick Muncaster

OFFICERS: Carl Gore (Empty Properties and Enforcement Officer), Alex Jackson (Legal Services Team Leader), Stefanie Leach (Trainee Solicitor) and Nina Neisser (Democratic and Member Services Officer)

17.LSC.145 Declarations of Any Interests

There were no declarations of interests received.

17.LSC.146 Procedure

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

17.LSC.147 Exclusion of the Public and Press

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the grounds that it 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.148 Application for the Grant of a Private Hire and Hackney Carriage Driver's Licence Made under Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976

The Director of Early Intervention and Support submitted a report for Members to determine whether the applicant was a fit and proper person to hold a Private Hire (PHD) and Hackney Carriage Driver's (HCD) Licence.

Before commencement of the meeting it was understood that the Empty Properties and Enforcement Officer had provided the applicant with the incorrect start time of the meeting. The applicant was contacted immediately via telephone and the meeting was rearranged for 12noon on the same day. The meeting was subsequently adjourned until 12noon.

The applicant attended the meeting at the rearranged time along with his wife to make their representations to the Sub-Committee. Their young child was also in attendance, however, due to the nature of the hearing and the Children Act 2004 which obliges Chorley Council to safeguard and promote the welfare of the child, it was agreed that the applicant's wife would leave the room with their child. The Sub-Committee would allow the applicant's wife to make representations later in the meeting and asked that

the applicant leave the room to mind their child at this time. All parties were happy to progress with the meeting and the aforementioned arrangements.

The applicant made an application to Chorley Council in January 2018 under Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 for the grant of PHD and HCD Licences. A caution was revealed in the application process that falls within the Council's Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing. The applicant's DBS Certificate revealed a caution for the offence of Battery in September 2015.

The applicant stated in discussion with Empty Properties and Enforcement Officer that he was not aware of the significance of this caution and was unsure why he had received it. It was explained that it was in relation to a domestic incident when the applicant and his wife got into an argument in the early hours of the morning, however their children were sleeping and therefore he went to bed. The applicant's wife rang the police for help via 999 in anger; this led to the applicant being awoken by the police and arrested where he was formally charged before being taken to the police station for questioning. He was not aware that this would result in a recorded caution. The applicant's wife was subsequently asked to give a statement to the police, however she refused.

The applicant is currently a taxi driver at another authority and revealed that this had not prevented him from being a licenced driver at the authority. Following police advice, the applicant contacted the authority via their switchboard a few days after the incident to inform them of the caution and he was assured that this message would get passed on.

The Empty Properties and Enforcement Officer submitted a request to the relevant authority to establish the applicant's taxi history in relation to his application and caution. On 31 January 2018, the Principal Licensing Officer at the authority stated that the caution had not been revealed to them and this was of concern that would be dealt with on renewal as per their policy. The Sub-Committee were informed that the applicant's PHD and HCD licences were due to expire in May 2018 and he had received no complaints or come to the attention of the authority where he is licenced previously.

The applicant reiterated an account of the events to the Sub-Committee as discussed with the Empty Properties and Enforcement Officer previously. Following queries by officers and members, the applicant confirmed the location of the Police Station where he was questioned before being given a warning. The applicant admitted that he did not know what document he had signed when leaving the police station as he was in an emotional state and simply wanted to get back home to his family. The Empty Properties and Enforcement Officer questioned the events leading up to the arrest and queried whether the applicant could remember the police officer's names or had a solicitor with him at the police station. The applicant confirmed that he could not remember the names of the officers and did not have a solicitor with him but did have an interpreter.

Following confusion regarding dates, the applicant provided his DBS certificate to the Sub-Committee which indicated that it was issued on 24 November 2017 and he had signed his application form on 13 December 2017. The applicant confirmed that he had not previously opened his DBS before providing it to officers at Chorley Council and was subsequently shocked to see that he had been cautioned for Battery. The

applicant admitted that he had made a mistake by not checking his DBS earlier but had assumed that it did not record any offences and therefore had not declared this previously in his application to Chorley Council.

Following a member query, it was confirmed that the applicant had passed his Group II Medical and Knowledge Test.

As agreed previously in the meeting, the applicant's wife also relayed the events to the Sub-Committee. She admitted that she had made a mistake by ringing the police and explained that she was angry and didn't think; it was only after that she felt she had done wrong. Following questions, she confirmed that there had been no physical contact during the incident and since then, she had not felt threatened on any other occasion. She also confirmed that she completed the paperwork on behalf of the applicant, who then signed the document. She was aware of the DBS but was not sure why this had not been checked when received.

The Sub-Committee **RESOLVED** that the applicant was a fit and proper person to hold a **Private Hire Driver Licence and Hackney Carriage Driver Licence under Section 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976** and that these applications be granted for the following reasons;

1. The applicant had not come to the attention of the authority where he is currently licenced previously.
2. The condition attached to the applicant's current licence at the relevant authority did not specifically require disclosure of cautions.
3. The offence was committed two and a half years ago and there had been no further offending. The Council's policy suggests a rehabilitation period of three years therefore the Sub-Committee was using its discretion to depart from the policy to grant both licences.
4. The applicant did not have a history of criminal activity, he had received a caution for one offence and he does not have any motoring convictions.
5. The Committee were concerned that the applicant failed to complete the application form correctly however, he did provide his DBS certificate at the same time and therefore there was no intent to conceal his caution from the Council. The applicant was warned to complete any future applications correctly and fully otherwise his licences would be reviewed which might result in their suspension or revocation.
6. The applicant must take responsibility for filling in all application forms in respect of his taxi licences and must not allow anyone else to do this for him, although as much assistance as required could be obtained from others.
7. The applicant's attention was drawn to the conditions attached to all Chorley private hire driver licences requiring the holder to notify the Council in writing within 7 days of any convictions or cautions. The Committee would take a very dim view of any future breach of this condition.

Chair

Date