



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 17 October 2018

MEMBERS PRESENT: Councillor Marion Lowe (Chair), and Councillors Jean Cronshaw, Doreen Dickinson, Steve Holgate and John Walker

OFFICERS: Nathan Howson (Enforcement Team Leader (Licensing)), Jodi Ingram (Solicitor), Stefanie Leach (Trainee Solicitor), Nina Neisser (Democratic and Member Services Officer) and Philippa Braithwaite (Democratic and Member Services Officer)

17.LSC.5 Declarations of Any Interests

There were no declarations of interests received.

17.LSC.6 Procedure

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

17.LSC.7 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.8 Determination of Applications for a Private Hire and Hackney Carriage Driver's Licence

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the applicant was a fit and proper person to hold a licence.

The applicant was present at the Sub-Committee.

The Council's current records confirm that the applicant was previously licensed as a Hackney Carriage Driver at Chorley Council between 2011 and 2014. The applicant, in his representations, explained that he had been licenced from 2001 up until 2014. The Council does not dispute this however the Council's records do not go as far back as 2001 to confirm. As a result of the applicant's failure to provide additional information on renewal in 2014, his application to renew was rejected and the licence lapsed.

On 20 August 2018 the Council received an application for a Private Hire and Hackney Carriage Driver's Licence. Following consultation, the Council's Group 2 Medical expert provided advice which indicated no medical reason that the applicant should be refused a licence.

The applicant's motoring convictions were outlined in the report. As a result of the "totting up" procedure, the applicant was disqualified from driving for a period of six months. The applicant applied to the Magistrates' Court to suspend the disqualification pending an appeal against his conviction. This was granted. The applicant's appeal against his conviction and sentence was heard and subsequently dismissed by the Crown Court.

The applicant advised Members that he had held a Private Hire and Hackney Carriage Driver's Licence from 2001 until 2014 throughout which time no complaints had been received about his driving or conduct, either from a member of the public or another taxi driver.

The applicant provided the Sub-Committee with an account of the incidents which led to his convictions. He explained that the MS90 received in 2015 was perpetrated by his daughter, who subsequently intercepted all post to the applicant relating to the incident. The applicant explained that, therefore, he remained unaware of the incident and of the need to submit any further information and only found out about in incident when the points were added to his licence.

The applicant also advised that although he originally lodged an appeal against the failure to provide further information, he withdrew this when it became apparent his daughter would then be liable for a criminal charge of perverting the course of justice.

The applicant then explained the SP30 conviction in 2016 was caused by his children borrowing his car and being caught speeding. Although naming his son as the driver at the time of the incident, the applicant advised he didn't receive the letter requesting further information which led to its late submission. Although the applicant did appeal the verdict, the conviction was upheld.

The applicant stated that his DBS was clear, his convictions were now spent and since getting his driving licence restored by the DVLA in April 2018, he had not committed any further offences. He advised that his past Private Hire and Hackney Carriage Driver's Licences had only lapsed in 2014 as the results of a medical test he was required to submit did not include the correct criteria owing to a miscommunication between medical practitioners.

Following Members' queries the applicant confirmed he had legal representation when he went to Court. He confirmed that 12 points on his licence had been the result of his children's actions and advised that he was no longer the registered keeper of any car that his children drive.

After careful consideration of the report and representations from the Council's Licensing Enforcement Officer and from the applicant, and having regard to the Council's Safeguarding, Suitability and Convictions policy, the Sub-Committee **RESOLVED that the applicant is not fit and proper to hold a Private Hire Driver and Hackney Carriage Driver's Licence and that his applications be refused for the following reasons:**

- 1. The applicant has been convicted of two minor and two major traffic offences within the five years preceding the date of his application resulting in 12 or more penalty points being imposed.**
- 2. The applicant was disqualified from driving as a result of 'totting up' following his most recent conviction for a major traffic offence in 2017. The applicant was unsuccessful in his appeal against this conviction which was dismissed by the Crown Court.**
- 3. Members had regard to the applicant's representation that in his mind his DBS was clear. However they noted that the Rehabilitation of Offenders Act 1974 provides that all convictions, irrespective of age, remain "live" for the purposes of a hackney carriage or private hire driver's licence.**
- 4. Members considered the representations put forward by the applicant surrounding the circumstances of his previous convictions. Whilst having considered them, the Sub-Committee are unable to review the merits of the applicant's convictions.**
- 5. Members had regard to the Council's Safeguarding, Suitability and Convictions policy which states that an application will normally be refused unless a period of at least 3 years free from conviction has elapsed from the restoration of the applicant's driving licence by the DVLA. The applicant's licence was restored in April 2018, therefore the necessary rehabilitation period has not yet been fulfilled.**
- 6. In light of the policy the Sub-Committee feels that the applications are premature and do not consider that the applicant has put forward any exceptional circumstances in order for them to deviate from the policy.**

Chair

Date