

General Licensing Sub-Committee

Wednesday, 7 January 2009

Present: Councillor Edward Smith (Chair) and Councillors Anthony Gee, Iris Smith and Ralph Snape

09.LSC.23 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Keith Iddon.

09.LSC.24 DECLARATIONS OF ANY INTERESTS

Councillor Anthony Gee declared a prejudicial interest in the case considered at Minute No. 08.LSC.27 and left the meeting during the discussion and deliberations on the matter.

09.LSC.25 MINUTES

Resolved - That the minutes of the meeting of the General Licensing Sub-Committee held on 2nd December 2008 be confirmed as a correct record and signed by the Chair.

09.LSC.26 EXCLUSION OF THE PUBLIC AND PRESS

Resolved - That the press and the 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 to the Local Government Act 1972.

(Councillor Anthony Gee declared a prejudicial interest in the following item. He left the meeting during the debate on the item and the subsequent deliberations.)

09.LSC.27 PRIVATE HIRE DRIVER MR AA - APPLICATION TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

The Sub-Committee considered a report of the Director of Corporate Governance seeking instruction on an application from Mr A. A. for a licence to drive hackney carriages and private hire vehicles.

The Council 's adopted policy stated that applicants for a hackney carriage/private hire drivers licence should be over 21 years of age and have at least 3 years driving experience as the holder of a full driving licence.

The applicant did not meet either criteria and, consequently under normal circumstances he would not have qualified for a driver's licence. In addition the applicant had received a speeding conviction in June, 2007.

The applicant attended the meeting to support his argument for the Authority to waive the adopted policy, explaining the circumstances of his conviction and confirming an offer employment if a licence was granted.

The Sub-Committee considered all aspects of the application, including the applicant's representations; the applicant's age and driving experience; the relevance of convictions for minor traffic offences; and the potential job appointment for the applicant.

After taking account of all relevant factors and considerations, the Sub-Committee considered that the applicant had shown himself to be a fit and proper person to drive hackney carriages and private hire vehicles, and that there was exceptional circumstances to warrant approval of the application.

Resolved - That a licence to drive hackney carriages and private hire vehicles be granted to the applicant, Mr A. A.

09.LSC.28 HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - MR YM CONVICTIONS

The Director of Corporate Governance presented a report drawing attention to a conviction against the holder of a licence to drive hackney carriages and private hire vehicles, Mr Y.M., under Section 4 (1) of the Public Order Act 1986 and requesting the Sub-Committee to consider the implications of the conviction for the licence holder.

Following an incident on the taxi rank in Chorley in May 2008 involving three licensed drivers, Mr Y.M., upon his own confession had been convicted of an offence contrary to Section 4 (1) of the Public Order Act 1986 and sentenced to a 12 months conditional discharge.

Mr Y.M., accompanied by his legal representative, attended the meeting to put forward representations urging the Sub-Committee not to revoke his licences.

The Sub-committee members raised several issues in clarification of the driver's representations, querying in particular why complaints about taxi drivers' practices had not been raised with the Council's Licensing Officers for investigation.

The Sub-Committee assessed all elements and aspects of the case, including the implications and relevance of the conviction; the driver's representations; the public safety considerations; and the optional courses of action available to the Sub-committee.

The Sub-Committee, after taking account of all relevant factors, was not satisfied that Mr W.M. was a fit and proper person to hold a hackney carriage and private hire vehicle driver's licence, in the light of the fact that since the granting of the licence, Mr Y.M. the driver had been convicted of a serious offence.

Resolved - That, in the interest of public safety, the licence to drive hackney carriages and private hire vehicles granted to Mr Y.M. be revoked.

09.LSC.29 HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - MR RS CONVICTIONS

The Sub-Committee considered a report of the Director of Corporate Governance drawing attention to a conviction against Mr R. S., (the holder of a licence to drive hackney carriages and private hire vehicles) under Section 4 (1) of the Public Order

Act 1986 and requesting the sub-committee to consider the implications of the convictions for the licence holder.

Following an incident on the taxi rank in May, 2008 involving three licensed taxi drivers, Mr R.S., upon his own confession, had been convicted of offences contrary to Section 4 (1) of the Public Order Act 1986 and given a total sentence of 18 months conditional discharge.

The taxi driver, accompanied by his legal representative, attended the meeting to put forward representations urging the Sub-Committee not to revoke his licences.

The Sub-Committee Members raised several issues in clarification of the taxi driver's representations, querying in particular why complaints about taxi drivers' practices had not been raised with the Council's Licensing Officers for investigation.

The Sub-committee assessed all elements and aspects of the case, including the implications and relevance of the conviction; the taxi driver's representations; the public safety considerations; and the optional courses of action available to the Sub-committee.

The Sub-Committee, after taking account of all relevant factors, was not satisfied that Mr R.S. was a fit and proper person to hold a hackney carriages and private hire vehicles driver's licence, in the light of the fact that, since the granting of the licence, the driver had been convicted of serious offences.

Resolved - That, in the interests of public safety, the licence to drive hackney carriages and private hire vehicles granted to Mr R. S. be revoked.

09.LSC.30 PRIVATE HIRE DRIVER MR A I P - APPLICATION TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

The Sub-Committee considered a report of the Director of Corporate Governance seeking instructions on an application from Mr A.I.P. for a licence to drive hackney carriages and private hire vehicles.

The Council's adopted policy stated that applicants for a taxi driver's licence should have at least 3 years driving experience as the holder of a full driving licence. The applicant had not held a full UK driving licence for 3 years, or an international driving permit for a full 3 years. Consequently, under normally circumstances, the applicant would not qualify for a driver's licence

In addition, the applicant had not declared on his application form a caution he had received in September 2007 for an offence committed under the Criminal Justice Act 1988.

Mr A.I.P. attended the meeting to put forward arguments why he considered that the Sub-committee should consider waiving the adopted policy and granting him a driver's licence under exceptional circumstances.

The Sub-committee considered all aspects of the application, including the applicant's representations; the applicant's driving experience (particularly in the UK); the relevance of the undisclosed caution; and the public safety considerations.

The Sub-Committee, after taking account of all the relevant factors and considerations, considered that Mr A.I.P. had not demonstrated sufficient exceptional circumstances to warrant them granting him a licence at this stage. The Councillors considered that, while the applicant had not convinced them that he had currently sufficient experience and knowledge to practice as a taxi driver in Chorley, he might

be capable of gaining a satisfactory level of experience and knowledge of the Borough through an appropriate training course.

Resolved - That a hackney carriage/private hire vehicle driver's licence be not granted to Mr A.I.P. but that he be advised to undertake a recognised BTEC training course in passenger vehicle driving at a local college and to submit a further application for a hackney carriage/private hire vehicle driver's licence upon the successful completion of the course.

Chair