

MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE **Wednesday, 13 February 2019**

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Steve Holgate, Sheila Long and John Walker

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

APOLOGIES: Councillor Jean Cronshaw

19.9 Declarations of Any Interests

There were no declarations of interests received.

19.10 Procedure

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

19.11 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.

19.12 Determination of an Application for a Hackney Carriage and Private Hire 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 Hackney Carriage and Private Hire Driver's licences.

The applicant was present at the Sub-Committee meeting.

The applicant had applied for a Hackney Carriage Driver's Licence and a Private Hire Driver's Licence. His application revealed a number of convictions, one of which fell within the Council's policy, namely supplying controlled Class A drug (Heroin) in December 2005. The applicant was convicted in August 2009 and released from prison in January 2010 (having already served five months on remand from July to December 2008 and released on bail for nine months from December 2008 to August 2009).

The applicant confirmed that this offence had occurred a long time ago and that he had matured into a more responsible, family orientated person. The applicant explained the circumstances of his two other convictions, possession of controlled Class B controlled drug (Cannabis/Cannabis Resin) and possession of a knife blade/sharp pointed article in a public place, both of which occurred in 2011. The applicant explained the knife blade/sharp pointed article was a Stanley knife with the blade locked out which had been found in a car he had been driving. This car belonged to his uncle who he worked for and the applicant confirmed it routinely had tools and other miscellaneous workshop items inside. The applicant stated he was not aware of the knife's presence before being stopped by the police, though acknowledged he still bore responsibility by driving the car.

The applicant was also charged with an offence of assault occasioning actual bodily harm in 2009 in relation to an assault on another person connected with other supply of drugs offences, as well as an offence for the supply of a controlled drug (other). The offences are recorded as "lie on file", which means the charges were not dealt with by the Court and as such the applicant was not convicted for the offences. The applicant stated he did not remember the details of these charges.

In response to Member's questions, the applicant confirmed he had been out of prison for nine years and had learnt from his mistakes. He was now married with young children and considered himself a family man. He had worked for his family's business for 15+ years before moving to Chorley in December 2017. The applicant confirmed he was currently in part-time employment and that he had not yet approached a taxi firm to work for, should his applications be granted.

The applicant submitted two character references and at the subsequent request of Members confirmed the timeline of the conviction from August 2009 and the sentence served.

After careful consideration of the report and representations from the Council's Licensing Enforcement Team Leader 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 was convicted of supplying a controlled drug Class A (heroin) in August 2009 which resulted in a three year prison sentence. Staffordshire Police have confirmed that the applicant was also charged with two further offences for the supply of a controlled drug other and for an assault occasioning actual bodily harm. However members acknowledge that the two charges are recorded as lie on file and as such the applicant was not convicted for these two offences.**
- 2. The applicant was also convicted for possession of a controlled drug Class B (cannabis/cannabis resin) in June 2011 and for possession of a knife/blade/sharp pointed article in a public place in October 2011.**
- 3. The Council's Safeguarding, Suitability and Convictions policy makes it clear that where an applicant has any recorded criminal activity this will be a critical factor in determining their application.**

4. **Members had regard to the policy which states that an application will normally be refused if a conviction for the supply of drugs is less than 5 to 10 years prior to the date of the application or release from prison (whichever is the most recent). The earliest that the applicant would have been eligible for release from prison is 4th January 2010 and the applicant confirmed he was released in January 2010.**
5. **The policy also states that an application will normally be refused where the applicant's conviction for possession of drugs is less than 5 years prior to the date of the application and where the applicant's conviction for possession of a knife/blade/sharp pointed article is less than three years from the date of conviction.**
6. **Members acknowledge that the period for rehabilitation has passed in relation to the convictions for possession of drugs and possession of a knife/blade/sharp pointed article. However the multiple offences, including the two lie on file charges, give members greater cause for concern and believe that this demonstrates a pattern of inappropriate behaviour.**
7. **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.**
8. **Members acknowledge that there is evidence of the applicant's rehabilitation, however in light of the policy feel that the applications are premature. Furthermore, members do not consider that the applicant has put forward any exceptional circumstances or evidence demonstrating that he is now a fit and proper person to hold a licence in order for them to deviate from the policy.**
9. **Members would invite the applicant to re-apply for a licence in January 2020 once the rehabilitation period required by the policy has been fulfilled.**

19.13 Review of a Hackney Carriage Driver's Licence

This item was deferred.

19.14 Review of a Hackney Carriage Vehicle Licence

This item was deferred.

19.15 Review of a Hackney Carriage Driver's Licence

This item was withdrawn from the agenda.

Chair

Date