

LICENSING REGULATORY COMMITTEE

Recent Court Case 5th January 2017

Report of the Licensing Manager

PURPOSE OF REPORT

To inform members of the outcome of a recent court case. The report is to note.

This report is public

RECOMMENDATIONS

The Committee is requested to note the contents of the report.

1.0 Introduction

- 1.1 On the 12th December 2016 Michael James Gillan pleaded guilty at Lancaster Magistrates Court to the offences of accepting a booking without an operator's licence, driving an unlicensed vehicle and driving without insurance. He was fined £320, given 6 points on his DVLA licence, victim surcharge £32 and a contribution towards costs of £100 = Total £452.00. The circumstances of the case are set out below.
- 1.2 On the 10th October 2016 two emails were received into the licensing in box from drivers licensed by Lancaster City Council to drive hackney carriage and private hire vehicles. Both emails pointed out that a Michael James Gillan was advertising on a Facebook page, and offering lifts for money. The emails also contained screen dumps from Gillan's Facebook page. Michael James Gillan does not hold any licences issued by Lancaster City Council
- 1.3 Our licensing software revealed that a Michael James Gillan had commenced an application to be a private hire driver in March 2016, but he had not completed the process.
- 1.4 The Licensing Manager made the decision to carry out a test purchase and instructed one of the licensing officers to try and book Gillan on Facebook. Gillan accepted the booking after first commenting that he couldn't do it as he had been 'snitched on'.
- 1.5 The arrangements were that Gillan would pick up our officer and a friend at Equitable House, which is a block of flats on Bulk Street Lancaster at 12.30 pm on Tuesday 11th October to take them to Manchester airport. The fee of £100 return was agreed. Gillan said that he would contact the officer on Facebook when he was outside.

- 1.6 Two licensing officers, left the office at approximately 11.55am on Tuesday 11th October in order to situate themselves in or around Equitable House. They were instructed to contact another member of the team as soon as Gillan messaged to say that he had arrived to pick them up. Three licensing officers had situated themselves in the car park opposite to Equitable House to observe the proceedings and to be available to come to the aid of their two colleagues who had booked the vehicle.
- 1.7 At approximately 12.40pm one of the three waiting officers got a call from her colleague letting her know that the vehicle had arrived and that it was a black BMW. The BMW was not licensed to carry passengers either by this authority or any other licensing authorities. The driver of the vehicle, who did not have a private hire driver's licence, was cautioned and told that he would be reported for prosecution.
- 1.8 Mr Gillan was summoned to appear in Court on the 12th December and he pleaded guilty to all charges laid against him.

2.0 Conclusion

The report is for noting

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

It is important that enforcement action such as that taken in this report is carried out to ensure that members of the public and the hackney carriage and private hire trade can have confidence that the licensing regime is fit for purpose and that the safety of the public is paramount.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted.

LEGAL IMPLICATIONS

The relevant offences are set out in the report.

BACKGROUND PAPERS

None

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