

## **LICENSING SUB-COMMITTEE (SENSITIVE CASES)**

MEETING, 12th NOVEMBER, 2015

Present – Councillors Haworth (Chairman), Bury, C. Burrows and Mrs Fairclough.

Apologies for absence were received from Councillors Greenhalgh and Murray.

Councillor Haworth in the Chair.

### **15. MINUTES OF THE LAST MEETING**

The minutes of a meeting of the Sub-Committee held on 27<sup>th</sup> July, 2015 were submitted.

Resolved- That the minutes be received and signed as a correct record.

### **16. EXCLUSION OF PRESS AND PUBLIC**

Resolved – That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 (financial and business affairs) of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in its exemption outweighs the public interest in its disclosure.

### **17. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSCS/14/15**

The Director of Environmental Services submitted a report which set out details of a misconduct complaint which had been received against a licenced private hire driver.

The report set out details of the complaint against the driver.

The driver and his legal representative attended the meeting and outlined reasons for the deferral of consideration of the matter.

The meeting gave careful consideration to the submissions made.

Resolved – That consideration of this matter be deferred until a future meeting in order to allow for the further compilation of evidence in this regard.

#### **18. MISCONDUCT BY LICENSED PRIVATE HIRE / HACKNEY CARRIAGE DRIVER LERSCS/15/15**

The Director of Environmental Services submitted a report which set out details of the misconduct of a driver licensed to drive a private hire vehicle.

The report also set out details of the Police intelligence on the driver.

The driver attended the meeting.

The Sub-Committee heard verbal representations from Mrs Pritchard, Principal Licensing Officer.

The meeting gave careful consideration to all the evidence and the submissions made.

Resolved – That the licence to drive a private hire vehicle be suspended until the driver re-takes and passes part two of the Taxi Knowledge Test on the basis that the Sub-Committee is not satisfied that the driver is a fit and proper person to hold a licence at this time.

In coming to its decision, the Sub-Committee is mindful of its duty to protect the public and noted that there had been an allegation of assault against his wife.

The Committee noted that the case against the driver for assault had been dismissed by the Magistrates' Court but they considered that on the balance of probabilities that a domestic incident occurred which was witnessed by the daughter.

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety and wellbeing to private hire drivers whenever they take a journey. Passengers often travel alone and are vulnerable to inappropriate behaviour.

The Sub-Committee's primary duty is of concern for the safety and wellbeing of the public and this includes the most vulnerable in the community and the driver would be working in an unsupervised environment.

There is therefore reasonable cause to suspend the licence as a warning and a deterrent until such a time as the driver has completed part two of the taxi Knowledge Test.

(The meeting started at 10.30am and finished at 12.32pm