

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 21st AUGUST, 2017

Present – Councillors Murray (Chairman), L. Byrne (as deputy for Councillor Watters), Mrs Fairclough, McKeon and Newall.

Councillor Murray in the Chair.

10. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Sub-Committee held on 25th July, 2017 were submitted.

Resolved – That the minutes be agreed and signed as a correct record.

11. 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.

12. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LERSCS/16/17

The Director of Place submitted a report which set out details of an application which had been received to renew a licence to drive a private hire vehicle. The report went onto set out details of a misconduct matter by the applicant.

The applicant and his solicitor attended the meeting and provided verbal evidence.

The Sub-Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the licence to drive a private hire vehicle be not renewed and revoked 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.

Following consideration of all the evidence the Sub-Committee noted that the driver had been convicted on 1st June, 2017 of Criminal Damage and of using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence.

Drivers are placed in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

The Sub-Committee also took account of the following –

- The driver had been convicted on 1st June, 2017 of Criminal Damage and of using threatening, abusive, insulting words of behaviour with intent to cause fear or provocation of violence. In accordance with the Council's Policy a person will normally have their licence revoked where the person has been convicted of criminal damage and/or a section 4 Public Order offence and the conviction date is less than five years. The Sub-Committee also took into account that the driver is subject to a Community Restraining Order until 31st May, 2018;
- There being a pattern of previous similar behaviour on two separate incidents in 2009 for which the driver was convicted of offences of violence in 2010;
- The driver admitted kicking a door and pleaded guilty in court to using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence and accepts his behaviour was inappropriate;

- The Police assertion that the driver is not a fit and proper person to hold a private hire driver's licence substantiated in a witness statement;
- Numerous complaints regarding aggression and allegations of cannabis use whilst a driver. The Sub-Committee took into account that the driver received a caution for cannabis use in 2010 and noted the Council's Statement of Fitness policy section relating to drugs and violent offences;
- Matters concerning the key characteristics of domestic violence;
- The driver tabled a character reference which the Sub-Committee gave limited weight to;
- The Sub-Committee also noted the basis of the plea on which the driver had offered his guilty plea to the S4 public order offence. In it the driver had admitted causing damage and using threatening language. The Sub-Committee accepted that this was given to the court but noted that other evidence provided to the Sub-Committee including evidence of the aggrieved party indicated that the incident and threats were more serious than the basis of plea suggested;
- The loss of livelihood, as mentioned by the driver was an irrelevant consideration in terms of the Sub-Committee's decision.

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.

There is therefore reasonable cause to refuse to renew and revoke the private hire driver's licence with immediate effect on the grounds of public safety.

8. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER AND OPERATOR LERSCS/15/17

The Director of Place submitted a report which set out details of misconduct allegations against a driver licensed to drive a private hire vehicle. The report went onto set out details of the misconduct matter by the driver.

The driver did not attend.

The Sub-Committee heard verbal evidence from the Licensing Officer.

Resolved - That consideration of this matter be deferred until the meeting of this Sub-Committee to be held on 5th September, 2017.

(The meeting started at 1.30pm and finished at 3.14pm)