

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

MEETING, 29<sup>th</sup> OCTOBER, 2019

Present – Councillors Dean (Chairman), Fletcher, Flitcroft, Haworth and Khurram.

Councillor Dean in the Chair.

### **13. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of the meeting of the Sub-Committee held on 26<sup>th</sup> September, 2019 were submitted.

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

### **14. 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.

### **15. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSCS/10/19**

The Director of Place submitted a report which gave details of alleged misconduct by a driver licensed to drive private hire vehicles.

The report outlined the full details of the alleged misconduct.

The driver attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

Resolved - That the licence to drive private hire vehicles be revoked on the basis that the Sub- Committee is not satisfied that the driver is a fit and proper person to hold a licence.

The Sub-Committee also took account of –

- Matters around concerns expressed to the Licensing Team regarding a school child and a taxi ride she took to school on 4<sup>th</sup> September, 2019. The child reported to her teacher on arrival at school, that the driver was weird and made some inappropriate comments. This included asking her if she had a boyfriend and if she was sexually active with her boyfriend;
- She did not then speak for the rest of the journey as it made her feel uncomfortable;
- The driver admitted taking the child on the journey and admitted asking her if she had a boyfriend and admitted to the sexual comments he made. The driver further stated he made these comments to the child to stress the importance of focussing on her education. At the meeting he admitted that it was not right asking he if she had a boyfriend;
- Matters around the Council's Child Sexual Exploitation and Safeguarding Policy;
- The driver's failure to comply with the training he passed in the knowledge test in December, 2015;
- The driver's failure to comply with the advice given in relation to Child Sexual Exploitation issued in October, 2016 and breaching the conditions of his licence in relation to personal conduct.

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 well-being of the public.

There is therefore reasonable cause to revoke the private hire drivers licence with immediate effect on the grounds of public safety.

#### **16. APPLICATION TO RENEW A PRIVATE HIRE DRIVERS LICENCE LERSCS/11/19**

The Director of Place submitted a report which gave details of an application to renew a private hire drivers licence where allegations of misconduct had been received.

The report outlined the full details of the alleged misconduct.

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

The Licensing Officer gave verbal evidence.

Resolved - That the licence to drive private hire vehicles be granted, subject to the standard conditions, as detailed in the report.

#### **17. APPLICATION TO RENEW A PRIVATE HIRE DRIVERS LICENCE LERSCS/11/19**

The Director of Place submitted a report which gave details of an application to renew a private hire drivers licence where there had been allegations of misconduct.

The report outlined the full details of the alleged misconduct.

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

The Licensing Officer gave verbal evidence.

Resolved - That the licence to drive private hire vehicles be not renewed on the basis that the Committee is not satisfied that the driver is a fit and proper person to hold a licence.

The Sub-Committee also took account of –

- Matters concerning the Council's updated Statement of Fitness and Suitability and the conviction for indecent assault from 1977 due to the age of the victim. Also the guidance from the Institute of Licensing states where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency a licence will not be granted; and
- Although the driver and his representative referred to the amount of time that has passed since the offence, members were concerned about the age of the victim and did not find his version of events credible.

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 Committee's primary duty is of concern for the safety and well-being of the public.

There is therefore reasonable cause to refuse to renew the private hire drivers licence.

(The meeting started at 2.00pm and finished at 4.43pm)