

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 12th FEBRUARY, 2019

Present – Councillors Murray (Chairman), Mrs Fairclough, Haworth and Khurram.

(An apology for absenced was received by Councillor Greenhalgh)

Councillor Murray in the Chair.

10. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Sub-Committee held on 21st November, 2018 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 FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LERSCS/01/19

The Director of Place submitted a report which set out details of an application for a licence to drive a private hire vehicle where there had been an allegation of misconduct.

The applicant and his nephew attended the meeting.

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

Resolved – That the application be refused on the basis that the Sub-Committee is not satisfied that the applicant is a fit and proper person to hold a licence.

Following consideration of all the evidence the Sub-Committee noted that the applicant had previously been refused a licence following allegations of sexual grooming. 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 applicant's licence to drive a private hire vehicle was first revoked on 23rd June, 2014 at a meeting with the Director of Environmental Services and this related to allegations of sexual grooming. The Applicant did not appeal this decision.
- The Licensing and Environmental Regulation Committee considered an application for a private hire drivers licence on 20th July, 2015 and in the decision referred to the following –
 - The Police intelligence on the background to the arrest of the applicant including that the Police indicated from the evidence and information available that the applicant represents a significant risk to female children passengers;
 - The girls' evidence given to the police that the applicant had conversations of a sexual nature with them despite knowing their age;

- The fact that the girls were known to, “protect groups” and were at risk of sexual exploitation;
 - The applicant’s admittance of making numerous telephone calls to one of the young girls and that he had met both girls on two occasions following the incident;
 - The applicant’s denial that conversations of a sexual nature took place which the Sub-Committee found not to be credible.
 - The applicant subsequently appealed this decision to the Magistrates Court and they dismissed his appeal. Also following this at the Crown Court, his appeal was dismissed and indicated that he had failed to establish, on the balance of probabilities, that he was a fit and proper person to hold a private hire drivers licence.
- The applicant admitted to the meeting that whilst angry he kept contacting the two girls but only for the outstanding money and that this had been a mistake;
 - Following consideration of all the evidence and the representations the Sub-Committee find that on the balance of probabilities the applicant did act in an inappropriate manner towards two young and vulnerable girls which shows profound poor judgement. No new information was presented to convince the Sub-Committee of the drivers fitness; and
 - The written information provided by the applicant, which included two references, was given little weight due to the references dating back to 2015 and did not convince the Sub-Committee that he is a fit and proper person to hold a licence.

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.

In summary based on the applicant's own admitted conduct when dealing with these two girls, the evidence available and the council's statement of fitness and suitability there is therefore reasonable cause to refuse to grant the private hire driver's licence.

13. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LERSCS/02/19

The Director of Place submitted a report which set out details of an application for a licence to drive a private hire vehicle where there had been an allegation of misconduct.

The applicant and his solicitor attended the meeting. The sub-Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the application be refused on the basis that the Sub-Committee is not satisfied that the applicant is a fit and proper person to hold a licence.

Following consideration of all the evidence the Sub-Committee noted that the applicant had a complaint against him from January, 2010, which was on the police file. 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 –

- A complaint received by the Police in January, 2010 from an adult female saying that she had been exchanging texts with a male she had met on the internet – he had made contact with her Facebook site. She had no idea who he was other than that his name was Dave from Barnsley. Chatting took place and then exchanged photographs which became more and more explicit. The male then stated that he was having a sexual relationship with a neighbour and her 14 year old daughter.

He further stated other details of what he had done. Subsequent enquiries were made and the applicant identified. He was arrested and questioned about possible sexual offences against children. He stated that he had never had a sexual relationship with a child but admitted to the meeting the exchanges with the adult female in 2010 including the conversations about children.

Although the applicant had stated that he had never had a sexual relationship with a child he admitted that this is something he had fantasised about;

- Having regard to guidance on determining the suitability of applicants, that is, any applicant connected to illegal sexual activity or any form of indecency, a licence will not be granted;
- Following consideration of all the evidence and the representations the Sub-Committee find that on the balance of probabilities the applicant did act in an inappropriate manner; and

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.

In summary based on the applicant's own admitted conduct, the evidence available and the council's statement of fitness and suitability there is therefore reasonable cause to refuse to grant the private hire driver's licence.

(The Meeting started at 10.00am and finished at 12.40pm)