

**LICENSING AND ENVIRONMENTAL REGULATION  
COMMITTEE**

MEETING, 17th OCTOBER, 2017

Present – Councillors Donaghy (Chairman), Murray (Vice-Chairman), Mrs Fairclough, Gibbon, Gillies, Greenhalgh, Haslam, Haworth, McKeon, Newall, Peel (as deputy for Councillor L. Byrne), Sherrington (se deputy for Councillor Watters) and P. Wild.

Apologies for absence were submitted on behalf of Councillors L. Byrne and Watters.

Councillor Donaghy in the Chair.

**46. MINUTES**

The minutes of the proceedings of meetings of the Committee held on 19<sup>th</sup> and 26<sup>th</sup> September, 2017 were submitted and signed as a correct record.

**47. 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.

**48. APPLICATION FOR A LICENCE TO DRIVE A  
PRIVATE HIRE VEHICLE LER/42/17**

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

The applicant attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the licence to drive a private hire vehicle be granted, subject to the standard conditions, as set out in the report.

#### **49. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/43/17**

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

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

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the licence to drive a private hire vehicle be refused on the basis that the 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 Committee noted that the applicant had convictions for speeding and using a mobile phone whilst driving. 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 Committee also took account of the following –

- The applicant had two speeding convictions on public roads from 2011 together with a conviction for breach of requirements as to control of vehicle mobile phones. He

also has a further speeding conviction on a public road from February, 2015;

- The Committee were concerned at the previous pattern of speeding offences and the applicant's lack of appreciation of the effects of speeding;
- The Committee were also concerned at the applicant's admission that he had attended at least three speed awareness courses, in addition to the convictions and he admitted to undertaking a speed awareness course in the last twelve months; and
- The Council's Policy on motoring offences; and
- Despite the applicant's assurances that he no longer had a problem with speeding the Committee were not satisfied that this was the case and were not satisfied that the applicant was 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 Committee's primary duty is of concern for the safety and well-being of the public.

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

#### **50. MISCONDUCT BY LICENSED HACKNEY CARRIAGE DRIVER LER/44/17**

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

The driver and his vehicle association representative attended the meeting and asked for consideration of the matter to be deferred to a future meeting as he had not been able to secure the services of a solicitor to attend with him.

The complainant Mr. J and witness referenced Ms. P and her mother attended the meeting.

The Committee also heard verbal information from the Licensing Officer.

Resolved – That consideration of this case be deferred to the meeting to be held on 26<sup>th</sup> October, 2017 when the matter will be determined.

**50. MISCONDUCT BY LICENSED HACKNEY CARRIAGE  
AND PRIVATE HIRE DRIVER LER/45/17**

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

The driver attended the meeting together with his solicitor and trade representative and provided verbal evidence.

The complainant and her partner also attended and gave evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved –

That the licence to drive a private hire vehicle and a hackney carriage vehicle be revoked on the basis that the 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 Committee noted that the driver had been accused of causing damage to a

vehicle and failing to stop. 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 Committee also took account of the following –

- A complaint which had been received regarding the driver in his private hire vehicle driving dangerously and who damaged the complainant's vehicle and drove off. The complainant eventually managed to stop the driver, who initially tried to hide in a parking bay and who accused the complainant of causing the damage and said he was not paying for the cost of any damage;
- The Committee found the evidence of the complainant to be credible and that the events occurred as per her witness statement. The driver denied the allegations which the Committee did not find credible and found him to be dishonest and motivated by money;
- Previous complaints from passengers in 2015 and 2017 which pointed to a pattern of inappropriate behaviour and which relate to -
  - (a) The driver didn't know where the destination was and dropped a vulnerable passenger off in the wrong place. The driver denied this but explained that he did not assist the elderly and confused lady to the home entrance;
  - (b) Rude and aggressive towards a passenger and talking on his mobile phone during the journey. The complainant complained to the taxi office and also recorded the incident with the Police; and
  - (c) Overcharging for a journey. The driver subsequently agreed to refund the complainant to the value of £5.00; and
- The Committee did not find the driver's explanations of the circumstances regarding the previous complaints to be credible.

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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 revoke the private hire driver's licence and the hackney carriage driver's licence.

(The meeting started at 2.00 p.m. and finished at 6.00pm)