

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 25th MARCH, 2015

Present – Councillors Connell (Chairman), Bury, Chadwick, Greenhalgh and Murray.

An apology for absence was submitted by Councillor Mrs Fairclough.

Councillor Connell in the Chair.

25. MINUTES OF THE LAST MEETING

The minutes of a meeting of the Sub-Committee held on 4th February, 2015.

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

26. 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.

27. APPLICATION FOR A STREET TRADING CONSENT LERSCS/03/15

The Director of Environmental Services submitted a report which set out details of an application which had been received for a Street Trading Consent.

The report set out details of a previous complaint that had been received against the applicant and also information from the Police concerning previous convictions and intelligence.

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

The Sub-Committee heard verbal representations from Miss Clyne, Principal Licensing Officer and from the Police.

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

Resolved – That a decision on the application for a Street Trading Consent be deferred pending further enquiries into the possible identification of witnesses present at the time of the complaint and their attendance at the next meeting of this Sub-Committee to provide information.

28. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LERSCS/04/15

The Director of Environmental Services submitted a report which set out details of an application which had been received for a licence to drive a private hire vehicle.

The report also set out details of the applicant's convictions and cautions and other intelligence from the Police.

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

The Sub-Committee heard verbal representations from Miss Clyne, 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 refused on the basis that the Sub-Committee is not satisfied

that the applicant is a fit and proper person to hold a licence at this time.

In coming to its decision, the Committee is mindful of its duty to protect the public and the conviction of June, 2013 related to one of violent conduct and Police intelligence pointed to a pattern of such behaviour towards his wife and children.

Following consideration of all the evidence and the representations the Sub-Committee find that on the balance of probabilities a pattern of violent conduct has taken place between the applicant and his wife and children. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times.

The Sub-Committee, in coming to its decision, specifically made the following findings, viz –

- The pattern of violence as demonstrated in previous convictions and Police intelligence;
- The Sub-Committee also took into account the convictions policy and were mindful of the guidance note of the key characteristics of domestic abuse and violence;
- That applicants with one or more convictions for other offences of violence should expect the application to be refused until a period of at least 3 years had elapsed from the date of the last offence or their release from prison;
- The Sub-Committee found that the verbal evidence of the driver in denying domestic violence was not credible and no remorse was expressed;
- The evidence of the hospital of bruising to the wife of the applicant; and
- The written information provided by the applicant was not considered adequate to satisfy the Sub-Committee that he is a fit and proper person to hold a licence.

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 applicant would be working in an unsupervised environment.

**29. MISCONDUCT BY LICENSED PRIVATE HIRE /
HACKNEY CARRIAGE DRIVER LERSCS/05/15**

The Director of Environmental Services submitted a report which set out details of the misconduct of a driver licenced to drive a private hire vehicle and a hackney carriage vehicle who had been convicted of an offence.

The report also set out details of the applicant's convictions and cautions and other intelligence from the Police.

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

The Sub-Committee heard verbal representations from Miss Clyne, Principal Licensing Officer and from the Police.

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

Resolved – That the licence to drive a private hire vehicle and a hackney carriage vehicle be revoked on the basis that the Sub-Committee is not satisfied that the applicant 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 the conviction from January, 2015 related to one of violent physical conduct and Police intelligence pointed to a continuing threat to the driver's wife.

Following consideration of all the evidence and the representations the Sub-Committee took into account that the driver had been convicted of an offence of battery, which is an offence of violence. The Sub-Committee noted that the offence was committed against the driver's wife. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times.

The Sub-Committee, in coming to its decision, specifically made the following findings, viz –

- The conviction of common assault from January, 2015 and the imposition of a restraining order;
- The Police intelligence of the continuing threat to the driver's wife and the possibility of the driver coming into contact with the wife's immediate family during the course of his driving;
- The Council's Convictions Policy and that applicants with one or more convictions for other offences of violence should expect the application to be refused until a period of at least three years has elapsed from the date of the last offence or their release from prison;
- The Sub-Committee also took into account the convictions policy and were mindful of the guidance note of the key characteristics of domestic abuse and violence;
- The driver's admittance of guilt in terms of common assault; and
- The written testimonials provided by the driver were not considered adequate to satisfy the Sub-Committee that he is a fit and proper person.

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 applicant would be working in an unsupervised environment.

There is reasonable cause to revoke both licences with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act, 1976 in the interests of public safety

(The meeting started at 2.00pm and finished at 5.23pm)