

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

MEETING, 24th NOVEMBER, 2014

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

Councillor Connell in the Chair.

### **17. MINUTES OF THE LAST MEETING**

The minutes of meetings of the Sub-Committee held on 16<sup>th</sup> September and 21<sup>st</sup> October, 2014 were submitted.

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

### **18. 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.

### **19. EMERGENCY ACTION -MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSCS/9/14**

The Director of Environmental Services submitted a report which set out details of a complaint which had been received against a private hire driver during the period of his licence.

The report explained that the Director of Environmental Services had previously suspended the driver following serious misconduct allegations which related to sexual assault.

The driver attended the meeting.

The Sub-Committee heard verbal representations from Mrs Pritchard, Principal Licensing Officer and from the driver.

Resolved – That no further action be taken in respect of the licence to drive a private hire vehicle and that the suspension previously agreed by the Director of Environmental Services be removed.

The Sub-Committee noted that the Director's original decision to suspend the driver's licence in July, 2013 was based on Police information at the time and was justified.

## **20. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSCS/10/14**

The Director of Environmental Services submitted a report which set out details of a complaint which had been received against a private hire driver during the period of his licence.

The report explained that the complaint related to one of inappropriate behaviour towards an elderly and vulnerable adult.

The driver attended the meeting.

The Sub-Committee heard verbal representations from Mrs Pritchard, Principal Licensing Officer and from the driver.

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

Resolved – That the licence to drive a private hire vehicle 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 at this time.

In coming to its decision the Sub-Committee was mindful of its duty to protect the public and following consideration of all the

evidence find that on the balance of probabilities inappropriate behaviour did occur between the driver and an elderly and vulnerable female customer which included the driver calling at the customers house despite the customer making it clear that she did not want the driver to.

The Sub-Committee also noted Police information from November, 2013 concerning the driver's over friendly attitude towards a 16 year old girl and is concerned by this and that the driver did not understand where the appropriate boundaries lie.

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 driver would be working in an unsupervised environment.

There is reasonable cause to revoke the licence 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 10.00am and finished at 12.04pm)