

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 15th DECEMBER, 2015

Present – Councillors Donaghy (Chairman), Haworth (Vice-Chairman), L. Byrne, C. Burrows, Chadwick, Mrs Fairclough, Graham, Greenhalgh, Haslam, Martin, Richardson, Watters and Wild.

Councillor Donaghy in the Chair.

40. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Committee held on 17th November, 2015 were submitted.

Resolved – That the minutes be agreed and signed as a correct Record subject to the inclusion of Councillor C. Burrows in the list of apologies.

**41. MINUTES OF THE LICENSING SUB-COMMITTEE
(SENSITIVE CASES)**

The minutes of the proceedings of meetings held on 12th November, 2015 were submitted.

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

42. 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.

43. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/33/15

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 driver attended the meeting.

The Committee heard verbal representations from Mrs Clyne, Principal Licensing Officer.

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

Resolved – That the application for a 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 was convicted of an offence of dishonesty in the Crown Court in November, 2012. Drivers are placed in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

In coming to its decision, the Committee specifically also took account of, viz-

- the applicant has been convicted on 16th November, 2012 of concealing / disguise / convert / transfer / remove criminal property and had received a suspended 12 month imprisonment sentence; it is clear that the court dealing with the matter viewed it as so serious that it crossed the custody threshold for sentencing purposes.
- the applicant admitted he had pleaded guilty in court for the offence he was recently convicted for but denied any wrong doing which the Committee did not find credible; and

- the Council takes a serious view of any convictions involving dishonesty and in general an applicant with convictions which are less than 3 to 5 years old is likely to be refused.

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. Passengers often travel alone and are vulnerable to inappropriate behaviour.

There is therefore reasonable cause to refuse to grant the licence.

44. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/34/15

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The driver attended the meeting.

The Committee heard verbal representations from Mrs Clyne, Principal Licensing Officer.

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

Resolved – That the application for a 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 driver had been convicted of a failure to give information as to identity of driver in June, 2013 which was a serious offence under the Council's Policy and also a contravention of pedestrian crossing regulations with a stationary vehicle in October, 2014. Drivers are placed in a

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position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

In coming to its decision, the Committee specifically also took account of, viz-

- For serious motoring offences an application would normally be refused where an applicant has been convicted of a serious traffic offence less than 2 years prior to the date of the application. This application is only a few months over this period. This was also the second occasion the applicant had been convicted of a failure to give information as to identity of driver; and
- The previous offending history which cast doubt on the applicant's fitness to be a private hire driver at this time.

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 and are entitled to expect high standards of driving.

There is therefore reasonable cause to refuse to grant the licence.

(The meeting started at 3.00pm and finished at 4.12pm)