

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 23rd MARCH, 2016

Present – Councillors Haworth (Chairman), C. Burrows, Mrs Fairclough, Haslam (as deputy for Councillor Greenhalgh) and Murray.

An apology for absence was received from Councillor Greenhalgh.

Councillor Haworth in the Chair.

27. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Sub-Committee held on 8th March, 2016 were submitted.

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

28. 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.

29. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/SCS/2/16

The Director of Place submitted a report which set out details of a misconduct complaint against a driver licensed to drive a private hire vehicle.

The driver did not attend the meeting. The driver was invited to attend the meeting of the Licensing and Environmental

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Regulation Committee held on 15th March, 2016 and failed to attend. It was discovered that he had changed address and had not informed the Licensing Unit in accordance with the conditions of his licence. The Licensing Unit had also tried to contact the driver by telephone and via his operator. The driver was invited to attend this meeting and the meeting papers were hand delivered to his new address. No communication had been received from the driver concerning his attendance and owing to his curfew conditions the Sub-Committee were satisfied that the driver had the opportunity to view the meeting papers and respond accordingly. Therefore, the Sub-Committee took the decision to consider the case in his absence.

The Committee heard verbal representations from the 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 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 applicant had been convicted in February, 2016 of using threatening, abusive or insulting words or behaviour likely to cause harassment. 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 nature of the conviction from February, 2016 and the protection from harassment order which ends in 2021;
- The condition of the driver's private hire vehicle on inspection on 20th August, 2015 and its immediate suspension from use;
- The driver's failure to report an accident in 2015;

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- The inappropriate comments posted by the driver on Facebook following the vehicle suspension which the Police indicated would be recorded as a racial hate crime. The driver had agreed to issue a letter of apology but this has not materialised;
- The driver having a history of violent and aggressive behaviour;
- The driver has 16 convictions recorded over the period 1996 to 2016 and the offences include driving offences, Fire Arms Act matters, drugs offences, criminal damage and common assault. They culminate with a public order offence in 2016.

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. Users of private hire vehicles have a right to expect that drivers are not individuals with a predisposition towards violent behaviour at any level.

The Sub-Committees 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 therefore reasonable cause to revoke the licence with immediate effect in accordance with Section 61 (2B) of the Local Government Miscellaneous Provisions Act, 1976 on the grounds of public safety.

(The meeting started at 10.30am and finished at 11.07am)