

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 14th MARCH, 2013

Present – Councillors Kay (Chairman), Jones (Vice-Chairman), D. Burrows, A. Connell (as deputy for Councillor Evans), M. Connell, Greenhalgh, Hall (as deputy for Councillor Mrs. Fairclough), Haslam, Kellett, McKeon, Peel (as deputy for Councillor Peacock), Shaw, Mrs. Swarbrick and Wild.

Apologies for absence were received from Councillors Cunliffe, Evans, Mrs. Fairclough and Peacock.

Councillor Kay in the Chair.

78. MINUTES

The minutes of the proceedings of the meeting of the Committee held on 5th March, 2013 were submitted and signed as a correct record.

79. 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.

**80. MISCONDUCT BY A LICENSED PRIVATE HIRE
DRIVER**

The Director of Environmental Services submitted a report which provided details of a complaint against a licensed private hire driver.

C2

The Committee were reminded that the driver's licence had been suspended on 20th December, 2012, pending completion of investigations.

The driver, his solicitor and two individuals who had provided witness statements attended the meeting.

The Committee heard representations from Miss Clyne, The Principal Licensing Officer, the Solicitor representing the driver and two individuals who had provided witness statements.

Under questioning from the Committee witness CM confirmed –

- she had witnessed the driver leaving the hospital entrance and going to his vehicle;
- the vehicle was a metro car and she engaged in conversation with the driver;
- the young person had felt scared and petrified following the incident at the hospital in November, 2012.

Under questioning from the Committee the driver and the driver's Solicitor confirmed –

- the driver was at the hospital near the main entrance waiting for a booking from the operator;
- the driver wanted to use the toilet facilities at the hospital and also the prayer room;
- the driver accepts that he spoke to CM but only to agree that he was a, "Bolton Taxi" and nothing further;
- the driver did not beckon the young lady to get into his vehicle at the hospital;
- the allegations regarding the incident with the young person on Derby Street were denied;
- the driver had admitted meeting the young person before and alleged a fare had previously not been paid to the Morris Green area;
- the driver did not recognise the witness CM from the alleged hospital incident, present at the meeting; and
- the driver had seen Miss K in a vehicle on 10th February, 2013 and had made a record of this.

The Committee gave careful consideration to what the Principal Licensing Officer, the witnesses and the driver and his Solicitor said.

Resolved – That the Committee finds –

- (i) The driver was at the Royal Bolton Hospital on 27th November, 2012.
- (ii) The Committee has considered the statement of Miss K and is aware that this is hearsay and has considered what weight to give to it. The information as to a previous incident, allegedly involving the driver, on Derby Street is clear and circumstantial. The witness describes the driver, the vehicle and the driver's conduct. The effect of the driver's presence at the hospital on Miss K, as described by witness CM goes to support Miss K's allegation that the earlier contact had been made in the way she alleges. There is also support in the evidence of witness JG about Miss K's willingness to make a complaint in this case, against a background of, "reluctance to make complaints about any individual". For these reasons the Committee finds, on the balance of probabilities, that an incident had occurred prior to 27th November, 2012;
- (iii) The Committee finds that the fact that the driver says that he had seen Miss K in a vehicle on 10th February, 2013 and made a record, even though this was before he knew about the full detail of the allegations and who was making them, other than that there was a link to Derby Street, supports the finding that an incident had occurred;
- (iv) The Committee cannot be satisfied the driver is a fit and proper person to hold a licence and finds that there is reasonable cause to revoke the licence. The revocation is to have immediate effect in the interests of public safety under Section 61 (2B) Local Government (miscellaneous Provisions) Act, 1976.

C4

(The meeting started at 9.30am and finished at 12.47pm)