

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 16TH June 2015

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

Councillor Donaghy in the Chair.

An apology for absence was received from Councillor Parkinson.

1. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Committee held on 12th May, 2015 were submitted.

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

2. 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.

**3. EMERGENCY ACTION – MISCONDUCT BY LICENSED
PRIVATE HIRE DRIVER LER/14/15**

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.

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The driver did not attend the meeting. Members were advised that this matter had been deferred from the last meeting which the driver attended and he was invited in writing to attend to this meeting and advised that should he not attend then the matter would be heard in his absence.

The Committee heard representations both verbally and in writing from Mr Peers, Principal Licensing Officer and from the Greater Manchester Police.

The Committee gave careful consideration to the information provided in the report and on questioning the evidence from the driver.

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.

In coming to its decision the Committee was mindful of its duty to protect the public and the offences related to a failure to stop after a road accident and a failure to give details of self and owner to other party, failure to report the accident to the Police within 24 hours and causing serious injury by dangerous driving. The incident of dangerous driving is particularly serious and resulted in injury to a passenger. They arose from the driver's aggression and came against a background of previous acts of aggression and motoring offences.

Following consideration of all the evidence the Committee find, on the balance of probabilities, that the driver did commit these very serious offences.

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

The Committee, in coming to its decision, specifically also took account of, viz-

- At the time of the alleged offences the driver was driving in his capacity as a private hire driver;
- The Police information concerning the reporting of the incidents and the reason the prosecution was not successful;
- The written evidence statements of the three passengers of the vehicle which were consistent and on the balance of probabilities occurred as they described;
- Matters around the injuries sustained by one of the passengers which required hospital treatment;
- The inconsistencies and dishonesty in the driver's account of the incidents. On 14th November, 2013 he indicated that a passenger or passengers had assaulted him and denied that he had been involved in a collision. He also claimed that he had been assaulted by persons who had ambushed him, not by persons who hired the vehicle. On 15th November the driver changed his story, admitting that his vehicle had been in a collision and that he had had a damaged vehicle door replaced prior to attending the Police Station. The driver claimed that the person who had assaulted him was his illegitimate son, not the person who had ordered the vehicle. He later said that he did not wish to pursue the allegation of assault. The driver also claimed that the accident was due to the assault on him; and
- Matters concerning the guidance in the Council's Licensing Policy relating to offences against adults and serious traffic offences.

The 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.

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

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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.

Resolved - That the application for a private hire vehicle licence be approved, subject to the standard conditions.

(The meeting started at 3.00pm and finished at 3.50pm)