

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 28th JULY, 2020

Present – Councillors Mrs Fairclough (Chairman), Dean (Vice-Chairman), Fletcher, Flitcroft, Gibbon, Haworth, Khurram, Morris and Newall.

Councillor Mrs Fairclough, Chairman

5. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting held on 7th July, 2020 were submitted and signed as a correct record.

6. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section 100(A) (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.

**7. MISCONDUCT BY A LICENSED PRIVATE HIRE
DRIVER LER/12 /20**

The Director of Place submitted a report which set out details of misconduct allegations against a licensed private hire driver.

The driver and his representative attended the meeting.

It was moved by Councillor Haworth and seconded by Councillor Fletcher that the licence to drive private hire vehicles be suspended for a period of one week.

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Where upon the Motion was put to the vote and the voting was as follows, viz -

For the Motion, Viz –

Councillors Khurram, Haworth, Morris, Dean, Fletcher, Mrs. Fairclough, Newall, Flitcroft and Gibbon.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the Motion was declared carried and it was specifically resolved -

That the licence to drive a private hire vehicle be suspended for one week on the basis that the Committee is not satisfied that the driver is a fit and proper person to hold a licence.

The Committee also took account of –

- The driver failed to declare two speeding offences on time, one from 2018 and one from February, 2020 and breached the conditions of his licence. He also failed to declare the second offence on his application form, thus making a false statement and withholding information. This is an offence under Section 57 of the Local Government (Miscellaneous Provisions) Act, 1976; and
- The Committee considered the numerous references provided on the drivers behalf and therefore departed from the guidance contained in the statement of fitness and suitability.

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.

The Committee's primary duty is of concern for the safety and well-being of the public.

There is therefore reasonable cause to suspend the private hire driver's licence for a period of one week.

8. MISCONDUCT BY A LICENSED PRIVATE HIRE DRIVER LER/13 /20

The Director of Place submitted a report which set out details of misconduct allegations against a licensed private hire driver.

The driver attended the meeting.

It was moved by Councillor Newall and seconded by Councillor Gibbon that the licence to drive private hire vehicles be revoked.

Where upon the Motion was put to the vote and the voting was as follows, viz -

For the Motion, Viz –

Councillors Khurram, Haworth, Morris, Dean, Fletcher, Mrs. Fairclough, Newall, Flitcroft and Gibbon.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the Motion was declared carried and it was specifically resolved -

C4

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.

The Committee also took account of –

- The Committee were very concerned about the seizure of a huge quantity of tobacco at the driver's premises which was not for legal sale in the UK;
- The driver did not declare the above matter on his application form, thus making a false statement and withholding information. This is an offence under Section 57 of the Local Government (Miscellaneous Provisions) Act, 1976; and
- The Committee were very concerned about the driver's dishonest behaviour.

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.

The Committee's primary duty is of concern for the safety and well-being of the public.

There is therefore reasonable cause to revoke the private hire driver's licence.

(The meeting started at 2.00 p.m. and finished at 3.34 p.m.)