

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 16th SEPTEMBER, 2014

Present – Councillors Connell (Chairman), L. Byrne (as deputy for Councillor Murray), Chadwick, Mrs. Fairclough and Greenhalgh.

An apology for absence was submitted by Councillor Murray.

Councillor Connell in the Chair.

12. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Sub-Committee held on 26th August, 2014 were submitted.

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

13. 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.

14. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/SCS/8/14

The Director of Environmental Services submitted a report which set out details of complaints which had been received against a private hire driver during the period of his licence.

The driver and his representative attended the meeting together with a witness referenced KD.

The Sub-Committee heard verbal representations from Mrs Pritchard, Principal Licensing Officer, from the driver and his representative and from the witness.

On questioning, the driver denied making inappropriate comments and conversation and also denied the touching of a female passengers leg.

Resolved – That in respect of report numbered LER/SCS/8/14 the licence to drive a private hire vehicle be revoked on the basis that the Sub-Committee is not satisfied that he is a fit and proper person to hold a licence at this time.

In coming to its decision the Sub-Committee was mindful of its duty to protect the public and on the balance of probabilities, following consideration of all the evidence presented by the Licensing Officer and by the witnesses find that unacceptable behaviour towards passengers did occur which included the touching of a female passengers leg, inappropriate comments and questions and visiting passengers properties following the completion of a fare booking.

The Sub-Committee, in coming to its decision, specifically made the following findings –

- it took note that the driver denied making sexual comments and touching a female passengers leg and visiting passengers houses with chocolates and alcohol but found the driver's denial of the allegations and failure to provide a reasonable explanation not to be credible;
- the Sub Committee considered that the driver demonstrated a pattern of unacceptable behaviour and conduct towards female passengers and noted that three separate allegations had been made against the driver over a three year period.
- that they found the evidence given by the witness referenced KD to be credible and that many passengers had refused to travel with the driver and had also complained about his erratic driving; and

- The Sub Committee considered the representations submitted by the Driver's representative about the loss of his livelihood to be an irrelevant consideration and did not take this matter into account when reaching its decision.

The Sub-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.

(The meeting started at 1.00pm and finished at 2.04pm)