

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 25th April, 2017

Present – Councillors Murray (Chairman), Greenhalgh and Haworth (as deputy for Councillor McKeon).

Apologies for absence were received from Councillors Bury, Gillies, Mrs. Fairclough and McKeon.

Councillor Murray in the Chair.

23. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Sub-Committee held on 28th February, 2017 were submitted.

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

24. 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.

25. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSCS/07/17

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 and his interpreter attended the meeting and provided verbal evidence.

The Sub-Committee heard verbal evidence from the Licensing Officer.

Resolved – That the licence to drive a private hire vehicle be revoked on the basis that the Sub-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 Sub-Committee were satisfied on the balance of probabilities that an assault occurred on 12th February, 2017.

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

The Sub-Committee also took account of the following –

- The assault occurred whilst the driver was acting as a private hire driver and the victim was a young vulnerable female adult;
- The driver had illegally plied for hire by picking up the passenger;
- The victims version of events that a sexual assault had taken place was more plausible than that of the drivers version of events;
- The driver left the young female at a petrol station in the early hours of the morning without organising alternative transport which left a vulnerable person at risk and indicated that the driver was not a fit and proper person to drive a private hire vehicle; and
- The driver is currently on bail until 1st May, 2017.

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.

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

There is therefore reasonable cause to revoke the private hire driver's licence with immediate effect on the grounds of public safety.

26. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LERSCS/08/17

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, his sister and his legal representative attended the meeting and provided verbal and written evidence.

The Sub-Committee heard verbal evidence from the Licensing Officer.

Resolved – That the licence to drive a private hire vehicle be revoked on the basis that the Sub-Committee is not satisfied that the driver is a fit and proper person to hold a licence at this time.

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

The Sub-Committee made their decision on the following grounds:-

- They determined that the driver had made inappropriate comments and engaged in inappropriate conversations via social media with a 19 year old male with learning disabilities;

- The driver had met the 19 year old whilst engaged as a driver picking the child up from school and had become his friend on Facebook;
- They believe the boundary of unacceptable behaviour between the driver and the young person was crossed and that the driver should not have placed himself in a position whereby inappropriate relationship had the potential to develop. His comments on Facebook included 'Are you in bed alone' and comments about whether a companion seen with him was his girlfriend;
- They did not accept the driver's comments that he engaged in conversation and became friends on Facebook solely out of compassion for the young person;
- They noted the driver's previous unblemished driving record, character reference and Uber ratings but gave limited weight to them and did not consider they overrode their concerns for the safety of the public; and
- Policy guidance contained in Schedule D of the Council's Statement of Fitness and Suitability in relation to CSE.

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. Taxi Drivers are placed in a position of trust and the Sub-Committee's primary duty is of concern for the safety and wellbeing of the public and this includes the most vulnerable in society.

There is therefore reasonable cause to revoke the private hire driver's licence with immediate effect on the grounds of public safety.

27. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSCS/09/17

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

The driver and his wife attended the meeting and provided verbal and written evidence.

The Sub-Committee heard verbal evidence from the Licensing Officer.

Resolved – That the driver's application to renew his private hire drivers licence be granted. In coming to its decision the Sub-Committee found the driver to be a fit and proper person to hold a private hire drivers licence.

(The meeting started at 10.00am and finished at 3.20pm)