

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 4th FEBRUARY, 2015

Present – Councillors Connell (Chairman), Chadwick, Greenhalgh and Murray.

Councillor Connell in the Chair.

Apologies for absence were submitted on behalf of Councillors Bury and Mrs Fairclough.

21. MINUTES OF THE LAST MEETING

The minutes of meetings of the Sub-Committee held on 24th November, 2014.

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

22. 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.

23. EMERGENCY ACTION -MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/SCS/2/15

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.

The driver, his representative and a representative from the taxi firm attended the meeting and all provided verbal evidence.

The complainant and her father also attended the meeting. The Complainant had previously supplied a written statement which the Complainant read out. The Complainant's father gave verbal evidence to the Sub-Committee.

The Sub-Committee heard verbal representations from Mrs Pritchard, Principal Licensing Officer and from Ms. Kath Lowden, Enforcement Officer.

The meeting gave careful consideration to all the evidence and the submissions made.

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.

In coming to its decision the Sub-Committee was mindful of its duty to protect the public and the complaint related to one of inappropriate conduct towards a 19 year old female, in particular the asking of inappropriate questions and requesting a hug at the end of the journey.

Following consideration of all the evidence and the representations made by both the complainant and the driver concerned the Sub-Committee find that on the balance of probabilities inappropriate conduct did take place by the driver towards the Complainant. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times.

The Sub-Committee also noted intelligence from 2012 concerning the driver's alleged overfriendly attitude towards two thirteen year old girls and is concerned by this and that the driver does not understand where the appropriate boundaries lie. The Sub-Committee is very concerned that a pattern of inappropriate behaviour is emerging.

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

- The complainant and her father complained to the Vehicle Operator and the Council which supports the case that an incident occurred;
- There is a record of bookings for the complainant using the operator and the driver accepts he took the complainant on a journey in March, 2014;
- The Complainant's evidence of how the incident had affected her;
- The Sub-Committee believed the account given by the complainant and do not consider the discrepancies in her statement and evidence today are material;
- The Sub-Committee did not consider that the account of the incident given by the driver to be credible or that the Complainant and her father had an ulterior motive for making the complaint namely that there was a dispute about a vehicle part;
- The Sub-Committee considered the representations about the effects of the loss of 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.

24. EMERGENCY ACTION -MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/SCS/1/15

(Councillor Murray declared an interest in the following item and left the room taking no part in the discussions

thereon)

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. The report also explained that the driver had been previously suspended by the Director of Environmental Services owing to the serious nature of the allegations.

The driver attended the meeting and provided verbal evidence.

The Sub-Committee heard verbal representations from Mrs Pritchard, Principal Licensing Officer and from the Police.

The meeting gave careful consideration to all the evidence and the submissions made.

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.

In coming to its decision, the Committee is mindful of its duty to protect the public and the complaint related to one of rape and assault over a long period of time towards a female adult.

Following consideration of all the evidence and the representations made by both the Police and the driver concerned the Sub-Committee find that on the balance of probabilities serious assault and rape did take place between the driver and his ex-wife. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times.

The Sub-Committee also noted carefully the Police information from 2013 onwards, the complainants retraction statement and the information provided on the key characteristics of domestic abuse and violence.

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

- That on the balance of probabilities the allegations of rape and assault over a long period had occurred as documented in the evidence provided by the Police and were the subject of 33 charges by the Police;
- The transcript of the 999 emergency call from the driver's ex-wife to the call handler;
- The driver's ex-wife's initial retraction statement which stated that although she had forgiven the driver, everything she had previously stated about the allegations including the driver was true and accurate;
- The evidence provided by the police together with the extensive supporting evidence was consistent with the allegations having occurred and was both credible and relevant;
- The driver was not a credible witness including that he denied knowing his ex-wife had been admitted to hospital; and
- The Sub-Committee also took into account the convictions policy and the guidance note of the key characteristics of domestic abuse and violence for guidance purposes and noted that it is common for domestic violence victims to retract statements and feel sorry for the accused.

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 10.30am and finished at 1.48pm)