

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 27th JULY, 2015

Present – Councillors Haworth (Chairman), Bury, Mrs Fairclough, Graham (as deputy for Councillor C. Burrows), Greenhalgh and Murray

An apology for absence was submitted by Councillor C. Burrows

Councillor Haworth in the Chair.

11. MINUTES OF THE LAST MEETING

The minutes of a meeting of the Sub-Committee held on 20th July, 2015 were submitted.

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

12. 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.

13. MISCONDUCT BY LICENSED PRIVATE HIRE / HACKNEY CARRIAGE DRIVER LERSCS/12/15

The Director of Environmental Services submitted a report which set out details of a misconduct complaint which had been received against a licenced private hire driver.

The report set out details of the complaint against the driver.

The driver and his representative attended the meeting and provided verbal evidence and written evidence regarding references and testimonials.

Two witnesses referenced KM and LM attended the meeting and gave verbal evidence.

The Sub-Committee heard verbal representations from Mr Peers, Principal Licensing Officer and from Ms Lowden, Licensing 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 with immediate effect 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 is mindful of its duty to protect the public and the driver is accused of inappropriate behaviour towards a young female adult.

Following consideration of all the evidence the Sub-Committee find that on the balance of probabilities the driver did behave inappropriately towards the young female adult in relation to the use of text messages, phone calls and Facebook messaging. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times. Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety and wellbeing to private hire and hackney carriage drivers whenever they take a journey. Passengers often travel alone and are vulnerable to inappropriate behaviour.

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

- The witness statements provided by the complainant and her mother which the Sub-Committee found to be

credible. This included evidence of a number of Facebook messages, text messages and phone calls;

- The driver denied any wrong doing despite the printed text messages from the driver to the complainant following only a short meeting;
- The driver's admittance of sending Facebook messages to the young female adult and text messages which included messages of an abusive nature;
- The Sub-Committee did not find the driver's claim that he had mistakenly thought that he was telephoning and texting another person credible;
- The complainant comes against a background of other previous complaints in July and September, 2013 regarding inappropriate behaviour towards a 15 year old girl and another young lady and from July, 2009 regarding a fourteen year old girl;
- The driver denied taking KM and friends on a return journey which the Sub-Committee found not to be credible. The driver was therefore illegally playing for hire;
- The driver denied saving customers phone numbers on his phone but admitted allowing Facebook contact in this case; and
- The written information provided by the applicant, which included references, was not considered adequate to satisfy the Sub-Committee that he is a fit and proper person to hold a licence.

The Sub-Committee agreed to disregard late evidence relating to Section 47 Assault.

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 therefore 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.

**14. MISCONDUCT BY LICENSED PRIVATE HIRE /
HACKNEY CARRIAGE DRIVER LERSCS/13/15**

The Director of environmental Services submitted a report which set out details of the misconduct of a driver licensed to drive a private hire vehicle.

The report also set out details of the Police intelligence on the driver.

The driver attended the meeting.

The Sub-Committee heard verbal representations from Mr Peers, Principal Licensing Officer and from Ms Lowden, Licensing Officer.

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

Resolved – That further consideration of this matter be deferred pending the completion of additional enquiries.

(The meeting started at 10.00am and finished at 1.55pm)