

LICENSING AND ENVIRONMENTAL REGULATION COMMITTEE

MEETING, 26th OCTOBER, 2017

Present – Councillors Donaghy (Chairman), Murray (Vice-Chairman), Chadwick, Cunliffe (as deputy for Councillor Gillies), Mrs Fairclough, Gibbon, Greenhalgh, Haworth, Mckee, Newall, Kirk-Robinson (as deputy for Councillor P. Wild), Radcliffe (as deputy for Councillor Haslam) and Watters.

Apologies for absence were submitted on behalf of Councillors L. Byrne, Haslam, Gillies and P. Wild.

Councillor Donaghy in the Chair.

51. MINUTES OF THE LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

The minutes of the proceedings of the meeting of the Licensing Sub-Committee (Traffic Matters) held on 12th September, 2017 were submitted and signed as a correct record.

52. 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.

53. MISCONDUCT BY LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LER/46/17

The Chairman explained that following representations, prior to this meeting, from the driver's solicitor which concerned the unavailability of both him and his partner it had been agreed to

withdraw this matter and for it to be considered at the next meeting.

**54. APPLICATION FOR A LICENCE TO DRIVE A
PRIVATE HIRE VEHICLE LER/47/17**

The Director of Place submitted report which set out details of an application which had been received for a licence to drive a private hire vehicle. The report went onto set out details of previous convictions by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

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

Following consideration of all the evidence the Committee noted that the applicant had a caution from June, 2013 for possessing a blade in a public place. 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 Committee also took account of the following –

- The applicant had a caution from June, 2013 which related to having article with blade or which was sharply pointed in a public place. The caution followed an incident with his father when the applicant sent a text to his father threatening to kill him and blow up his shop;
- Police intelligence that the applicant is not a fit and proper person to hold a private hire driver's licence. The Police also provided information in relation to an incident of domestic violence in April, 2014 which was alleged by

his father. The applicant is alleged to have damaged a television and assaulted his father with a ratchet hitting him around the head and body. The offence of a Section 20 Wounding was recorded by the Police. His father provided the Police with a statement regarding this incident, however, on a later date provided a withdrawal statement, albeit confirmed the incident occurred he asked that no police action was taken;

- The applicant said the allegations were over exaggerated and that his father had given a false statement to the police. The Committee did not accept the applicant's version of events and did not find the applicant to be credible. They considered that he sought to minimise his actions and did not perceive that he had acted in a violent manner; and
- The Committee noted matters concerning the Council's Policy with regard to offences of violence and also information regarding the key characteristics of domestic violence. The Council's policy indicates that an applicant would normally have their application refused for the possession of an offensive weapon conviction and the date of conviction is less than five years.

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

There is therefore reasonable cause to refuse to grant the private hire drivers licence.

**55. APPLICATION FOR A LICENCE TO DRIVE A
PRIVATE HIRE VEHICLE LER/48/17**

The Director of Place submitted report which set out details of an application which had been received for a licence to drive a private hire vehicle. The report went onto set out details of previous convictions by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the licence to drive a private hire vehicle be granted, subject to the standard conditions, as detailed in the report.

**56. APPLICATION FOR A LICENCE TO DRIVE A
PRIVATE HIRE VEHICLE LER/49/17**

The Director of Place submitted report which set out details of an application which had been received for a licence to drive a private hire vehicle. The report went onto set out details of previous convictions by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

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

Following consideration of all the evidence the Committee noted that the applicant had been convicted of using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence and possession of an

offensive weapon . 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 Committee also took account of the following –

- The applicant was convicted of using threatening, abusive and insulting words or behaviour with intention to cause fear of provocation of violence and possession of an offensive weapon in a public place in 2014;
- The Council's Policy indicates that an extremely serious view is taken of any conviction involving violence. A person will normally be refused a licence in respect of a conviction of Assault occasioning actual bodily harm and possession of an offensive weapon and the date of the conviction is less than five years and this period has not elapsed; and
- The Committee were concerned that the applicant had specifically gone home to obtain a cricket bat and had searched for the perpetrators who had jumped him. The Committee were also concerned the applicant had initially resisted arrest.

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

There is therefore reasonable cause to refuse to grant the private hire drivers licence.

**57. APPLICATION FOR A LICENCE TO DRIVE A
PRIVATE HIRE VEHICLE LER/50/17**

The Director of Place submitted report which set out details of an application which had been received for a licence to drive a private hire vehicle. The report went onto set out details of previous convictions by the applicant.

The applicant and his representative attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the licence to drive a private hire vehicle be granted, subject to the standard conditions, as detailed in the report.

(The meeting started at 12.30 p.m. and finished at 3.20pm)