

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 20th AUGUST, 2014

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

Councillor Connell in the Chair.

6. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Sub-Committee held on 22nd July, 2014 were submitted.

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

7. 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.

8. EMERGENCY ACTION – MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/SC/5/14

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 report explained that the Director of Environmental Services had previously suspended the driver following serious misconduct allegations which related to rape and assault.

The driver, his wife and representative attended the meeting together with two representatives from the Greater Manchester Police.

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

The report from the Police which initiated the suspension related to the driver's arrest following allegations of assault and rape on his wife. The Police highlighted that they believed that serious assault and rape had taken place and everything that had been provided to them prior to the retraction of the allegations by the driver's wife had been consistent and withstood scrutiny.

Furthermore, that the Ward Sister at the Royal Bolton Hospital had indicated that the driver's wife's injuries were consistent with domestic violence.

On questioning, the driver denied the allegations and his wife also outlined her retraction of her allegations citing mental health issues.

Resolved – That in respect of report numbered LER/SC/5/14 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 Police find that unacceptable violent behaviour of rape and assault did occur over a long period of time and these are amongst the most serious of offences and this is despite the retraction statements the driver's wife provided to the Police.

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

- That on the balance of probabilities the allegations of rape and assault over a prolonged period had occurred as documented in the evidence provided by the police and further supported by the statement of the Ward Sister at the Royal Bolton Hospital; the transcript of the 999 emergency call from the driver's wife to the call handler; and
- the driver's wife's initial retraction statement which stated that although she had forgiven her husband, everything she had previously stated about the allegations was true and accurate
- the evidence provided by the Police together with the supporting evidence was consistent with the allegations having occurred and was both credible and relevant
- the Driver was not a credible witness as he failed to give a full explanation to the Sub Committee about the nature of the domestic dispute.
- The Sub Committee whilst noting the strong denials by the Driver's wife at the hearing did not consider these to override the evidence provided to the police.
- 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 considered the representations submitted by the Driver 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.

9. EMERGENCY ACTION – MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/SC/6/14

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 attended the meeting.

A witness referenced KD also attended the meeting.

The driver requested that consideration of the allegations be deferred pending the attendance of his solicitor who had been unable to attend.

Resolved – That consideration of this matter be deferred until an urgent meeting can be arranged.

(The meeting started at 1.00pm and finished at 2.30pm)