LICENSING AND ENVIRONMENTAL REGULATION COMMITTEE

MEETING, 21st JULY 2015

Present – Councillors Donaghy (Chairman), Haworth (Vice-Chairman), L. Byrne, Chadwick, C. Burrows, Graham, Greenhalgh, Haslam, Kirk-Robinson (as deputy for Councillor Mrs Fairclough), Martin, Murray, Richardson, Watters and Wild.

Councillor Donaghy in the Chair.

5. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Committee held on 16th June, 2015 were submitted.

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

6. 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.

7. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/16/15

The Director of Environmental Services submitted a report which set out details of convictions against a private hire driver during the period of his licence.

The Committee heard representations both verbally and in writing from Miss Clyne, Principal Licensing Officer.

The Committee gave careful consideration to the information provided in the report and on questioning the evidence from the driver.

Resolved – That the licence to drive a private hire vehicle be suspended up to the renewal date of the licence on 19th October, 2015 on the basis that the 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 was mindful of its duty to protect the public and the offences related to plying for hire without a licence and connected with this, using a vehicle uninsured against third party risks. Both are serious offences and put the travelling public at risk.

Following consideration of all the evidence the Committee find, on the balance of probabilities, that the driver did commit these serious offences. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times.

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

- At the time of the alleged offences the driver was driving in his capacity as a private hire driver and had agreed to take two unidentified enforcement officers on a journey without prior booking with the operator;
- The driver's admission of the offences;and
- Matters concerning the guidance in the Council's Licensing Policy relating to offences of plying for hire and serious traffic offences.

The 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 suspend the licence as a warning and a deterrent.

8. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/17/15

The Director of Environmental Services submitted a report which set out details of convictions against a private hire driver during the period of his licence.

Miss Clyne, the Principal Licensing Officer, explained that the driver had indicated that he was unable to attend the meeting.

Resolved – That consideration of this matter be deferred until the next meeting of this Committee.

9. APPLICATION FOR THE GRANT OF AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE LER/18/15

The Director of Environmental Services submitted a report which detailed an application to licence a hackney carriage vehicle as the previous licence had expired.

The applicant and his representative attended the meeting.

Resolved – That in respect of application numbered LER/18/15 a hackney carriage vehicle licence be granted, the applicant having satisfied the relevant criteria.

(The meeting started at 3.00pm and finished at 3.50pm)

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