

## **LICENSING AND ENVIRONMENTAL REGULATION COMMITTEE**

MEETING, 14th NOVEMBER, 2017

Present – Councillors Donaghy (Chairman), Murray (Vice-Chairman), L. Byrne, Chadwick, Mrs Fairclough, Gibbon, Gillies, Greenhalgh, Haslam, Haworth, McKeon, Newall, Watters and P. Wild.

Councillor Donaghy in the Chair.

(The Committee stood in silent tribute in memory of Councillor Whitehead who had passed away the day before)

### **58. MINUTES OF PREVIOUS MEETINGS**

The minutes of previous meetings held on 17<sup>th</sup> and 26<sup>th</sup> October, 2016 were submitted and signed as a correct record.

### **59. MINUTES OF THE LICENSING SUB-COMMITTEE (SENSITIVE CASES)**

The minutes of the proceedings of the meeting of the Licensing Sub-Committee (Sensitive Cases) held on 10<sup>th</sup> and 31<sup>st</sup> October, 2017 were submitted and signed as a correct record.

### **60. 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.

**61. MISCONDUCT BY LICENSED HACKNEY CARRIAGE DRIVER LER/51/17**

The Director of Place submitted report which set out details of misconduct allegations against a driver licensed to drive a hackney carriage vehicle. The report went onto set out details of misconduct by the driver.

The driver and a representative attended the meeting together with his solicitor and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer and also from the complainant referenced MP and other witnesses referenced DJ and MP's mother.

Resolved –

That the licence to drive a hackney carriage vehicle be suspended for a period of two months 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.

Following consideration of all the evidence the Committee noted the allegation that the driver had been rude to a disabled passenger and demanded money from her. 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 –

- A complaint which had been received on 1<sup>st</sup> August, 2017 regarding the driver being rude to a disabled passenger in a wheelchair and a dispute about the fare;
- The Committee were satisfied after hearing from the witnesses (DJ and MP) and their written testimony that the driver had behaved inappropriately towards the

### C3

passenger outside the job centre on 21<sup>st</sup> July, 2017 in that he was arguing with her about the fare and causing her distress.

This Committee found this was unacceptable behaviour and a breach of the hackney carriage byelaws which require drivers to behave with civility and propriety at all times;

- The Committee were also satisfied after hearing from the witness and accepting the written testimony of MP and her mother that the driver had failed to adequately strap the passenger's wheelchair into the vehicle on the journeys taken and noted this is a breach of the Equality Act, 2010;
- The Committee were concerned that the driver had failed to operate his meter during all journeys undertaken by the passenger, irrespective of any agreement the driver and passenger had in relation to the fare; and
- The Committee noted and gave weight to the supporting references and the driver's own testimony that he had made provision for the passenger to contact his family to arrange for alternative transport whilst he was out of the country.

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 suspend the hackney carriage driver's licence as a warning and a deterrent.

**62. APPLICATION FOR A LICENCE TO DRIVE A  
PRIVATE HIRE VEHICLE LER/52/17**

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 a previous conviction 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 set out in the report.

**63. APPLICATION FOR A LICENCE TO DRIVE A  
PRIVATE HIRE VEHICLE LER/53/17**

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 a previous conviction by the applicant.

The applicant and his friend 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 set out in the report.

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

The meeting was notified that this application had been withdrawn by the applicant.

(The meeting started at 2.00 p.m. and finished at 6.00pm)