LICENSING AND ENVIRONMENTAL REGULATION COMMITTEE

MEETING, 15th OCTOBER, 2019

Present – Councillors P. Wild (Chairman), Dean (Vice-Chairman), Fletcher, Flitcroft, Haworth, Khurram, Morris and Newall.

Councillor P. Wild in the Chair.

20. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting held on 17th September, 2019 were submitted and signed as a correct record.

21. MINUTES OF THE LICENSING TRAFFIC SUB-COMMITTEE

The minutes of the proceedings of the meeting held on 24th September, 2019 were submitted and signed as a correct record.

22. MINUTES OF THE LICENSING SENSITIVE CASES SUB-COMMITTEE

The minutes of the proceedings of the meeting held on 26th September, 2019 were submitted and signed as a correct record.

23. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/28/19

The Director of Place submitted a report which gave details of alleged misconduct by a driver licensed to drive private hire vehicles.

The report outlined the full details of the misconduct.

The driver and his solicitor attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

It was moved by Councillor Haworth and Seconded by Councillor Dean that consideration of the matter be deferred pending further discussions with all parties as to why the witness wants special measures in place to give evidence.

For the Motion, Viz –

Councillors Khurram, Haworth, Morris, Dean, Fletcher, P. Wild, Newall and Flitcroft.

Against the Motion, Viz –

nil

Abstain, Viz –

nil

Whereupon the motion was declared carried.

24. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/29/19

The Director of Place submitted a report which gave details of alleged misconduct by a driver licensed to drive private hire vehicles.

The report outlined the full details of the misconduct.

The driver attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

It was moved by Councillor Newall and Seconded by Councillor Morris that the licence to drive private hire vehicles be revoked.

For the Motion, Viz –

Councillors Khurram, Haworth, Morris, Dean, Fletcher, P. Wild, Newall and Flitcroft.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried and it was specifically Resolved -

That the licence to drive private hire vehicles be revoked on the basis that the Committee is not satisfied that the driver is a fit and proper person to hold a licence.

The Sub-Committee also took account of –

- The driver's convictions on 31st July, 2019 for plying for hire without a hackney carriage proprietor's licence and using a vehicle uninsured against third party risks;

- Matters around the Council's Statement of Fitness and Suitability policy in relation to plying for hire in that a serious view is taken when a driver is convicted of offences under the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976;

- The offence of using a vehicle uninsured against third party risks is a major motoring offence under the Council's Statement of Fitness and Suitability; and

- At the meeting the driver indicated that he had pleased guilty to both offences at court.

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 revoke the private hire drivers licence.

25. APPLICATION FOR A LICENCE TO DRIVE PRIVATE HIRE DRIVER LER/30/19

The Director of Place submitted a report which gave details of an application which had been received for a licence to drive private hire vehicles where there had been previous misconduct allegations.

The report outlined the full details of the misconduct.

The applicant attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

It was moved by Councillor Morris and Seconded by Councillor Dean that the licence to drive private hire vehicles be granted, subject to the standard conditions, as set out in the report.

<u>For the Motion, Viz –</u>

Councillors Khurram, Haworth, Morris, Dean, Fletcher, P. Wild, Newall and Flitcroft.

<u>Against the Motion, Viz –</u>

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried.

26. APPLICATION FOR A LICENCE TO DRIVE PRIVATE HIRE DRIVER LER/31/19

The Director of Place submitted a report which gave details of an application which had been received for a licence to drive private hire vehicles where there had been previous misconduct allegations.

The report outlined the full details of the misconduct.

The applicant attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

It was moved by Councillor Haworth and Seconded by Councillor Flitcroft that the licence to drive private hire vehicles be granted, subject to the standard conditions, as set out in the report.

For the Motion, Viz –

Councillors Khurram, Haworth, Morris, Dean, Fletcher, P. Wild, Newall and Flitcroft.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried.

27. APPLICATION FOR A LICENCE TO DRIVE PRIVATE HIRE DRIVER LER/32/19

The Director of Place submitted a report which gave details of an application which had been received for a licence to drive private hire vehicles where there had been previous misconduct allegations.

The report outlined the full details of the misconduct.

The applicant attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

It was moved by Councillor P. Wild and Seconded by Councillor Fletcher that the licence to drive private hire vehicles be granted, subject to the standard conditions, as set out in the report.

For the Motion, Viz –

Councillors Khurram, Haworth, Morris, Dean, Fletcher, P. Wild, Newall and Flitcroft.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried.

(The meeting started at 2.00pm and finished at 4.15pm)