

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 31st October, 2017

Present – Councillors Murray (Chairman), Mrs Fairclough, Greenhalgh, McKeon, Newall and Watters.

Councillor Murray in the Chair.

19. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Sub-Committee held on 10th October, 2017 were submitted.

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

20. 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.

21. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LERSCS/20/17

The Director of Place submitted a report which set out details of misconduct matters in relation to an application to renew a licence to drive a private hire vehicle.

The driver and his solicitor attended the meeting. The solicitor requested that consideration of the matter be deferred to a future date as he had not had enough time to prepare the driver's case and to call any possible witnesses. He explained that he had only met with the driver regarding the case last Friday.

The Sub-Committee also heard verbal evidence from the Licensing Officer.

Resolved – That consideration of this matter be deferred until a special meeting to be held on Tuesday 7th November, 2017.

22. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LERSCS/21/17

The Director of Place submitted a report which set out details of misconduct matters in relation to an application to renew a licence to drive a private hire vehicle.

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

The Sub-Committee also heard verbal evidence from the Licensing Officer and the complainant.

Resolved – That the application to renew the licence to drive a private hire vehicle be refused on the basis that the Sub-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 Sub-Committee noted that there had been an allegation that the driver had assaulted a child passenger in his private hire vehicle. 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 Sub-Committee also took account of the following-

- An allegation from the mother of the child that the driver assaulted her child by slapping her to the back of the head. The complainant, the child's mother gave verbal evidence to the Committee in terms of she witnessed the driver clipping her child on the back of the head and the child explained to her mother that the driver had hit her. The Sub-Committee found on the

balance of probabilities the incident occurred and found the witness's evidence to be credible;

- The matter had been reported to the Police as an assault;
- The driver's version of events in relation to the incident in 2017 was not considered to be credible. He produced a photograph of the interior of the vehicle which he claimed showed he could not have reached the interior light. This contradicted with his earlier statement when he said he placed his hand between the girl's hand and the light;
- The Sub-Committee were concerned that the driver's actions in seeking to discipline a child passenger was not acceptable behaviour for a licensed driver;
- Matters around an additional complaint against the driver from 2011 in which the driver is alleged to have tried to overcharge a passenger and also threatened the passengers. The passengers were aged 16-17 at the time;
- Matters around the Council's Licensing Policy in terms of offences of violence and offences against children; and
- The historical indecent assault on a female from 1994.

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 Sub-Committee's primary duty is of concern for the safety and wellbeing of the public.

There is therefore reasonable cause to refuse to renew and revoke the private hire driver's licence with immediate effect on the grounds of public safety.

(The meeting started at 10.00am and finished at 12.33pm)