

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 29th JUNE, 2015

Present – Councillors Haworth (Chairman), C. Burrows, Mrs Fairclough, Greenhalgh, Murray and Gillies (as deputy for Councillor Bury)

An apology for absence was submitted by Councillor Bury.

Councillor Haworth in the Chair.

1. MINUTES OF THE LAST MEETING

The minutes of a meeting of the Sub-Committee held on 25th March, 2015.

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

2. 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.

3. APPLICATION FOR A STREET TRADING CONSENT LERSCS/06/15

The Director of Environmental Services submitted a report which set out details of an application which had been received for a Street Trading Consent.

The report set out details of a previous complaint that had been received against the applicant and also information from the

Police concerning previous convictions and intelligence. Members were reminded that a decision on the application for a Street Trading Consent had been deferred from the meeting held on 25th March, 2015 pending further enquiries into the possible identification of witnesses present at the time of the complaint and their attendance at the next meeting of this Sub-Committee to provide information.

The Sub-Committee were notified that the Police had explained that they had been unable to identify the witnesses present.

The applicant and his representative attended the meeting and provided verbal evidence.

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

The meeting gave careful consideration to all the evidence and the submissions made.

Resolved – That the application for a Street Trading Consent be granted, subject to the standard conditions.

4. MISCONDUCT BY LICENSED PRIVATE HIRE / HACKNEY CARRIAGE DRIVER LERSCS/07/15

The Director of Environmental Services submitted a report which set out details of the misconduct of a driver licenced to drive a private hire vehicle who had been convicted of an offence.

The report also set out details of the applicant's convictions and cautions and other intelligence from the Police.

The driver attended the meeting and provided verbal evidence.

The Sub-Committee heard verbal representations from Mr Peers, Principal Licensing Officer.

The meeting gave careful consideration to all the evidence and the submissions made.

Resolved – That the licence to drive a private hire vehicle be suspended for a period of two weeks on the basis that the Sub-Committee is not satisfied that the applicant is a fit and proper person to hold a licence at this time.

In coming to its decision, the Sub-Committee is mindful of its duty to protect the public and the caution from September, 2014 related to one of drunken disorderly behaviour in relation to persons known to the driver and which included the threat of serious violent conduct towards their property.

Following consideration of all the evidence the Sub-Committee find that on the balance of probabilities inappropriate drunken behaviour did take place with the driver threatening serious violent conduct. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times.

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

- The caution of a public order offence and the intelligence on the background of this from the Police;
- The Sub-Committee also took into account the Council's Convictions Policy; and
- The driver's admittance of guilt in terms of there being inappropriate behaviour.

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 applicant would be working in an unsupervised environment.

There is therefore reasonable cause to suspend the licence as a warning and a deterrent.

5. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LERSCS/08/15

The Director of Environmental Services submitted a report which set out details of an application which had been received for a licence to drive a private hire vehicle. Members were reminded that the Driver's licence had been previously revoked by the Director of Environmental Services.

The report also set out details of the applicant's convictions and cautions and other intelligence from the Police.

The applicant and his representatives attended the meeting and the applicant and his representatives provided verbal evidence. The applicant also tabled written evidence.

The Sub-Committee heard verbal representations from Mr Peers, Principal Licensing Officer.

The meeting gave careful consideration to all the evidence and the submissions made.

Resolved – That consideration of this matter be deferred pending the compilation of further evidence from the Police and other appropriate agencies.

(The meeting started at 10.00am and finished at 1.34pm)