

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 21st OCTOBER, 2014

Present – Councillors Connell (Chairman), Bury, Mrs Fairclough, Jones (as deputy for Councillor Chadwick), Murray and Wild (as deputy for Councillor Greenhalgh).

Apologies for absence were submitted by Councillors Chadwick and Greenhalgh.

Councillor Connell in the Chair.

15. 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.

16. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER

The Director of Environmental Services submitted a report which apprised members of details of a complaint which had been received relating to a Private Hire Vehicle Driver referenced GM.

The meeting was informed of serious allegations from the Greater Manchester Police which related to an offence of causing a child under age 13 to watch a sexual act and rape of a female aged 16 years old or over.

The Driver referenced GM did not attend the meeting although Officers had tried to make contact with GM, and had left a message on his mobile phone, and had tried to call both his landline and his mobile phone on a number of occasions to

inform him of the hearing and to give him an opportunity to attend the hearing and make representations.

The meeting heard representations both verbally and in written form from the 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 revoked on the basis that the Sub-Committee is not satisfied that he is a fit and proper person to hold a licence at this time.

In coming to its decision the Sub-Committee was mindful of its duty to protect the public and following consideration of the Police information finds that on the balance of probabilities unacceptable serious sexual incidents did occur.

The allegations are very serious and include the rape of a female aged 16 years or over and of causing a child under the age of 13 to watch a sexual act.

Both the allegations relate to offences which are some of the most serious sexual offences.

Guidance in the Council's convictions policy states that applicants with convictions for these offences should expect their applications to be refused

It was noted by the Sub-Committee that one of the current conditions of GM's bail was not to have any unsupervised contact with any person under the age of 16.

In his work as a private hire driver, he would regularly operate in an unsupervised environment with young persons under the age of 18, and other vulnerable members of the community.

The Sub-Committee's concern is for the safety of the public. The Sub-Committee did not consider that the safety of the

public could be guaranteed if the driver were to continue to hold a licence, and considered that he did not meet the test of being a fit and proper person due to the allegations that had been made against him.

There is reasonable cause to revoke the licence with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act, 1976 in the interests of public safety.

(The meeting started at 5.30pm and finished at 5.45pm)