LICENSING AND ENVIRONMENTAL REGULATION COMMITTEE

MEETING, 11TH DECEMBER, 2018

Present – Councillors Murray (Chairman), Haworth (Vice-Chairman) Bagnall, Donaghy, Haslam, Galloway (as deputy for Councillor P. Wild), Gibbon, Greenhalgh, Khurram, Kirk-Robinson (as deputy for Councillor Mrs Fairclough), McKeon, Morris, Peel (as deputy for Councillor Gillies) and Sanders.

Apologies for absence were submitted on behalf of Councillors Mrs Fairclough, Gillies and P. Wild.

Councillor Murray in the Chair.

27. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Committee held on 13th November, 2018 were submitted and signed as a correct record.

28. MINUTES OF THE LICENSING SUB-COMMITTEE (TRAFFIC MATTERS)

The minutes of the Licensing Sub-Committee (Traffic Matters) held on 27th November, 2018 were submitted and signed as a correct record.

29. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section (100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve 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.

30. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/40/18

The Director of Place submitted a report which set out details of misconduct matters relating to a driver licensed to drive a private hire vehicle.

The report outlined the full details of the misconduct matters by the driver.

The driver attended the meeting and provided verbal evidence in respect of the matter.

The Committee also heard verbal evidence from the Licensing Officer.

It was moved by Councillor Kirk-Robinson and seconded by Councillor Peel that the licence to drive a private hire driver be revoked with immediate effect on the grounds of public safety.

For the Motion, viz-

Councillors Donaghy, Peel, Haworth, Murray, Morris, Kirk-Robinson, Greenhalgh, Haslam, Galloway, Bagnall, Gibbon and Sanders.

Against the Motion, Viz – 0

Abstain, Viz - 0

Whereupon, the Motion was declared carried and it was specifically resolved -

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

Following consideration of all the evidence, the Committee noted that the driver had been using his vehicle as a private hire vehicle when not licensed as a 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 Committee also took account of the following –

- His vehicle was due for a mid-year test on 23rd October, 2017 but he failed to attend for this. The vehicle was subsequently presented for inspection on 28th November, 2017 which it failed and a vehicle suspension notice was issued. The driver failed to return the plate to the Licensing Unit despite previously having suspension notices issued. The driver explained that he had overlooked the suspension notice but the Committee did not find this credible;

- On 6th February, 2018 a Licensing Enforcement Officer saw the vehicle operating as a private hire vehicle with the driver at the wheel and following enquiries with the Operator jobs had been allocated to the driver between 28th November, 2017 and 6th February, 2018. They confirmed that 513 jobs had been allocated to him and 413 had been completed. Based on the evidence heard it's questionable whether the insurance for the vehicle was valid;

- As of 6th February, 2018 the road tax on the vehicle was outstanding and had been due on 1st November, 2017; and

- The driver had breached the conditions of his licence and clearly has a disregard for licensing regimes.

Members of the public, 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 wellbeing of the public.

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

31. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/41/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had a previous misconduct matter.

The report outlined the full details of the misconduct matter by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor Haslam and seconded by Councillor Donaghy that the licence to drive a private hire driver be granted, subject to the standard conditions.

For the Motion, viz-

Councillors Donaghy, Peel, Haworth, Khurram, Murray, Morris, Kirk-Robinson, Greenhalgh, Haslam, Galloway, Bagnall, Gibbon and Sanders.

Against the Motion, Viz – 0

Abstain, Viz, - 0

32. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/42/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had a previous misconduct matter.

The report outlined the full details of the misconduct matter by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor Donaghy and seconded by Councillor Haslam that the licence to drive a private hire driver be granted, subject to the standard conditions.

An amendment was moved by Councillor Peel and seconded by Councillor Kirk-Robinson that the licence to drive a private hire vehicle be refused.

For the Motion, Viz-

Councillors Peel, Murray, Kirk-Robinson, Greenhalgh, Galloway, Bagnall and Sanders.

Against the Motion, Viz -

Councillors Donaghy, Haworth, Khurram, Morris, Haslam and Gibbon.

Abstain, Viz - 0

The amendment was declared carried and became the substantive motion.

For the Motion, Viz-

Councillors Peel, Murray, Kirk-Robinson, Greenhalgh, Galloway, Bagnall and Sanders.

Against the Motion, Viz -

Councillors Donaghy, Haworth, Khurram, Morris, Haslam and Gibbon.

Abstain, Viz- 0

The motion was declared carried and it was specifically resolved – That the licence to drive a private hire vehicle be refused.

Following consideration of all the evidence the Committee noted the applicant's speeding record. 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-

- The applicant has speeding convictions on 18th February, 2015, 25th June, 2015 and on 1st March, 2016. On questioning, the applicant indicated he had been on a speed awareness course in 2016;

- The Committee were concerned about the applicant's pattern of speeding resulting in 9 penalty points in 13 months; and

- Matters around the Council's Statement of fitness and Suitability.

Members of the public, 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 wellbeing of the public.

There is therefore reasonable cause to refuse to grant the private hire drivers licence.

33. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/43/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had a previous misconduct matter.

The report outlined the full details of the misconduct matter by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor Peel and seconded by Councillor Donaghy that the licence to drive a private hire driver be refused.

For the Motion, viz-

Councillors Donaghy, Peel, Haworth, McKeon, Murray, Morris, Kirk-Robinson, Greenhalgh, Haslam, Galloway, Bagnall, Gibbon and Sanders.

Against the Motion, Viz - 0

Abstain, Viz - 0

Whereupon the motion was declared carried and it was specifically resolved –

That the licence to drive a private hire vehicle be refused on the basis that the Committee are not satisfied that the applicant is a fit and proper person to hold a licence.

Following consideration of all the evidence, the Committee noted the charges for Kidnapping and wounding with intent to do grievous bodily harm from 2007. Drivers are 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 –

- The arrest and charges for Kidnapping and wounding with intent to do grievous bodily harm from 2007 and the circumstances surrounding this. The victim provided a statement but this was subsequently withdrawn. The

victim though did say that the content of his statement was true;

- the Police assertion that the applicant is not a fit and proper person to hold a private hire driver's licence;

- the applicant failed to declare the arrest and subsequent charges on his application form;

- the applicant denied the events as presented but was aware the victim had been hurt and put in a van and explained his only role was to try to calm the victim. Based on the evidence the Committee did not find this to be credible. The Committee also found inconsistencies in the applicant's evidence;

- matters around the Council's Statement of Fitness and Suitability and the Committee were concerned that the applicant had been involved in a violent and very serious event.

Members of the public, 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 wellbeing of the public.

There is therefore reasonable cause to refuse to grant the private hire drivers licence.

(The meeting started at 1.00pm and finished at 5.55pm)