

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 20th JULY, 2015

Present – Councillors Haworth (Chairman), C. Burrows, Mrs Fairclough, Greenhalgh and Murray

An apology for absence was submitted by Councillor Bury.

Councillor Haworth in the Chair.

6. MINUTES OF THE LAST MEETING

The minutes of a meeting of the Sub-Committee held on 29th June, 2015 were submitted.

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

7. 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.

8. MISCONDUCT BY LICENSED PRIVATE HIRE / HACKNEY CARRIAGE DRIVER LERSCS/10/15

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.

The driver did not attend the meeting.

Resolved – That consideration of this matter be deferred until a meeting of this Sub-Committee to be held on Monday 27th July, 2015.

**9. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER
LERSCS/09/15**

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.

The driver did not attend the meeting.

Resolved – That consideration of this matter be deferred until a meeting of this Sub-Committee to be held on Monday 27th July, 2015.

**10. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE
HIRE VEHICLE LERSCS/11/15**

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 intelligence from the Police.

The applicant and his legal representative attended the meeting together with two witnesses and the applicant and his representative made verbal representations and tabled written documents in support of the application.

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 refused 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 Committee is mindful of its duty to protect the public and the Police intelligence from June, 2014 and July, 2015 related to an arrest for the crimes of meeting two children under age 16 following sexual grooming.

Following consideration of all the evidence and the representations the Sub-Committee find that on the balance of probabilities the applicant did act in an inappropriate manner towards two young and vulnerable girls which shows profound poor judgement.

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 Police intelligence on the background to the arrest of the applicant including that the Police indicated from the evidence and information available that the applicant represents a significant risk to female children passengers;
- The girls evidence given to the police that the applicant had conversations of a sexual nature with them despite knowing their age;
- The fact that the girls were known to, "protect groups" and were at risk of sexual exploitation;
- The applicant's admittance of making numerous telephone calls to one of the young girls and that he had met both girls on two occasions following the incident;
- The applicant's denial that conversations of a sexual nature took place which the Sub-Committee found not to be credible;
- The written information provided by the applicant, which included references, was not considered adequate to satisfy the Sub-Committee that he is a fit and proper person to hold a licence.

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 refuse to grant a licence to drive a private hire vehicle.

(The meeting started at 1.30pm and finished at 4.45pm
pm)