

**LICENSING AND ENVIRONMENTAL REGULATION  
COMMITTEE**

MEETING, 14<sup>th</sup> MARCH, 2017

Present – Councillors Donaghy (Chairman), Murray (Vice-Chairman), Chadwick, Mrs. Fairclough, Greenhalgh, Haworth, Kirk-Robinson (as deputy for Councillor P. Wild), McKeon, Martin, Richardson, Watters and Whitehead.

Apologies for absence were received from Councillors Haslam and P. Wild.

Councillor Murray in the Chair.

**53. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Committee held on 14th February, 2017 were submitted.

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

**Licensing and Environmental Regulation Committee  
(Acting as Licensing Act, 2003 Committee)**

No items

**54. 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 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.

**55. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/07/17**

The Director of Place submitted a report which set out details of an application which had been received for the grant of a private hire driver's licence.

The Applicant attended the meeting.

The Committee gave careful consideration to the information provided in the report and the verbal details from the Licensing Officer.

Resolved – That consideration of this matter be deferred to the next meeting of the Licensing Sub-Committee (Traffic Matters) pending clarification by the licensing officer of the details of the intermediate traffic offence.

**56. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/08/17**

The Director of Place submitted a report which set out details of an application which had been received for the grant of a private hire driver's licence.

The Applicant attended the meeting.

The Committee gave careful consideration to the information provided in the report and the verbal details from the Licensing Officer.

Resolved – That the application for a licence to drive a private hire vehicle be granted subject to the standard conditions, as detailed in the report.

**57. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/09/17**

The Director of Place submitted a report which set out details of an application which had been received for the grant of a private hire driver's licence.

The Applicant attended the meeting.

The Committee gave careful consideration to the information provided in the report and the verbal details from the Licensing Officer.

Resolved – That the application for a licence to drive a private hire vehicle be refused on the basis that the 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 Committee noted that the applicant had a conviction for exceeding the speed limit on a motorway, police intelligence concerning aggressive and threatening behaviour and a street caution for possession of cannabis.

Drivers are placed in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

In coming to its decision, the Committee specifically also took account of, viz –

- The applicant has a conviction for exceeding the speed limit on a motorway from June, 2015;
- The Council's Policy states that a person with a single intermediate traffic offence where the conviction date is less than two years would normally mean that a person applying for a licence will have their licence refused. The offence is under the two year threshold;

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- The applicant failed to declare on his application form the conviction for driving otherwise than in accordance with a licence and also failed to disclose the type of driving / road traffic act offences and the penalties for his other offences;
- Police intelligence that the applicant was involved in an altercation on 14<sup>th</sup> July, 2016 when his vehicle was parked against regulations and was issued with a penalty ticket and that the applicant threatened the parking enforcement officer with violence. The Police were informed. The applicant confirmed he was present at the scene but denied making any threats. Due to there being no witnesses no further action was taken by the Police. The Committee did not find the applicant's version of events to be credible given there had been an earlier incident involving very similar behaviour by the applicant;
- Police intelligence that on 5<sup>th</sup> March, 2015 the applicant was asked to move his car from private land by a parking attendant. The applicant became extremely aggressive and made a threat to break his jaw, cut him up and "get his lads down". The Police were informed. The applicant denied the offence. Due to there being no witnesses no further action was taken by the Police but the Committee was satisfied that on the balance of probabilities the applicant did demonstrate aggressive behaviour;
- The Committee was satisfied that the applicant has a pattern of aggressive and threatening behaviour and a lack of respect for persons in authority;

- Police intelligence that on 15<sup>th</sup> October, 2010 the applicant was issued with a street caution / warning for possession of cannabis. The Council's Policy indicates that an extremely serious view will be taken where a person has been convicted of any offence involving drugs;
- The Police assertion that the applicant is not a fit and proper person to hold a private hire drivers licence;
- The applicant tabled two references in support of his application to which the Committee gave limited weight; and
- The Committee disregarded the applicant's loss of livelihood as an irrelevant consideration in this matter.

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. Passengers often travel alone and are vulnerable to inappropriate behaviour.

There is therefore reasonable cause to refuse to grant the application.

#### **58. MISCONDUCT BY LICENSED HACKNEY CARRIAGE DRIVER LER/10/17**

The Director of Place submitted a report which asked the Committee to consider renewing the licence to drive a hackney carriage vehicle and then suspending the renewed licence in accordance with the original resolution of the Sub-Committee in July, 2016.

The Committee gave careful consideration to the information provided in the report and the verbal details from the Licensing Officer. The meeting was informed that the Licensing Sub-Committee (Traffic Matters) had agreed to suspend the driver's

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licence for a period of nine months on 26<sup>th</sup> July, 2016 but his vehicle licence expired on 31<sup>st</sup> January, 2017 and the driver had therefore not served the full nine month suspension period.

Resolved – That the driver's licence be renewed but immediately suspended (for the remaining period of the original Licensing Sub-Committee (Traffic matters) decision on 26<sup>th</sup> July, 2016 which was a nine month suspension period) to 22<sup>nd</sup> May, 2017 on the basis that the Committee is not satisfied that the driver is a fit and proper person to hold a licence at this time for the following reasons as previously decided by the Sub-Committee –

- In coming to its decision the Sub-Committee was mindful of its duty to protect the public and the offences from 2014 and 2015 of using a vehicle uninsured against third party risks are serious offences under the Council's Policy. Drivers have a duty to adhere to the law at all times. The driver also failed to declare the 2014 conviction in accordance with the by-laws attached to his hackney carriage driver licence. The driver has not declared the 2015 conviction with the by-laws attached to his hackney carriage driver licence.

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. Passengers often travel alone and are vulnerable to inappropriate behaviour.

There is therefore reasonable cause to suspend the hackney carriage driver's licence for the remaining period of the original suspension decision.

(The meeting started at 2.00pm and finished at 4.45pm)