

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 3RD JULY, 2018

Present – Councillors Murray (Chairman), Haworth and McKeon (as deputy for Councillor Newall)

Apologies for absence were submitted by Councillors Mrs Fairclough and Greenhalgh.

Councillor Murray in the Chair.

1. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Sub-Committee held on 13th April, 2018 were submitted.

Resolved – That the minutes be agreed 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. MISCONDUCT BY A LICENSED PRIVATE HIRE DRIVER LERSCS/11/18

The Director of Place submitted a report which set out details of complaints which had been received regarding a driver licensed to drive a private hire vehicle. Unredacted copies of the Police e-mail and the notes of the Operator's meeting with the driver were tabled.

The driver and his representative attended the meeting. The sub-Committee also heard verbal evidence from the Licensing Officer and the witnesses referenced RW, GL, CL and BF.

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

Following consideration of all the evidence the Sub-Committee noted that the driver had a series of complaints against him for inappropriate behaviour . 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 Sub-Committee also took account of –

- A complaint against the driver which related to an allegation of inappropriate behaviour towards a lone female passenger on 21st April, 2018. The passenger in her statement said that –
 - He took a long route home through dark streets;
 - He asked her personal questions to which she made no reply;
 - He made her feel scared, uncomfortable and she felt panicked;
 - She made it clear to the driver that she did not like people contacting her who she did not know;
 - He kept the doors locked even though she had paid the fare and had asked to get out of the taxi;
 - He asked her inappropriate questions and made inappropriate comments;
 - The driver contacted her on her Instagram account; and
 - The incident had left her very frightened.
- The driver denied taking a longer route which the Sub-Committee did not find to be credible as the witness explained the route that was taken and explained it cost

more than previous journeys and on the balance of probabilities the Cub-Committee believed her.

- Following the incident the passenger confirmed that the driver had begun to follow her Instagram account;
- The driver explained that it was the passenger who invited him to join her Instagram account, which the Sub-Committee did not find this to be credible. They were also concerned that the driver had not taken on board the training he had received, only last year in relation to inappropriate conduct;
- The Police were aware of an incident and had contacted the Licensing Unit in this regard;
- The passenger had also complained that the taxi driver had locked her in the car for a time which caused her to panic. The Sub-Committee were undecided as to whether the taxi driver had locked the car, but nevertheless accepted the passenger felt concerned for her safety when she thought she was locked in, due to his earlier conduct during the journey;
- A complaint from 1st April, 2018 which related to inappropriate behaviour towards a lone female passenger. This involved the driver talking to her in an inappropriate way and texting her phone asking to take her out for a meal;
- A complaint from 8th March, 2018 which related to inappropriate behaviour towards a lone female passenger. This involved the driver asking her to go out with him and asking for her phone number. She felt pressured into giving him the number. The passenger said in her statement that –
 - the driver was asking disturbing things;

- he asked her to go to his house for a party;
 - he offered her drugs if she went to his house ;
 - he said she didn't have to pay for anything;
 - he asked for her number which she did not give;
 - he texted her later, identified himself as the taxi driver and proceed to continue with the request to meet, this was even though she hadn't shared her number;
 - this had made her feel uncomfortable;
 - how he behaved was wrong;
 - on a second journey, he asked inappropriate questions, made inappropriate suggestions and requests; and
 - the actions of this taxi driver, "had made me very anxious about taxi drivers".
- The driver was subsequently interviewed and sacked by the operator and in the notes of the meeting kept it was recorded that the driver asked for two of the complaints to be hidden from the Licensing Department. On questioning, witnesses CL and BF confirmed that in their view the driver wanted to cover things up;
 - On questioning the driver denied all allegations of inappropriate behavior which the Sub-Committee did not find credible;
 - Matters around the Council's Statement of Fitness and Suitability in particular in relation to sexual and indecency and violence offences and drugs;
 - A reference in support of his application was tabled which the Sub-Committee gave limited weight to;
 - The Sub-Committee were most concerned at the apparent pattern of inappropriate behaviour from three independent witnesses and on the balance of probabilities the driver had acted in an inappropriate manner and did not understand the boundaries of acceptable conduct;
 - The Sub-Committee were concerned that the driver had only been licensed since August, 2017 but had failed to

comply with the training he had received about conduct and comply with the conditions of his 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 whenever they take a journey. Passengers often travel alone and are vulnerable to inappropriate behaviour.

The Sub- Committee's primary duty is of concern for the safety and well-being 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, due to concerns for the protection of female passengers.

(The Meeting started at 10.00am and finished at 12.41pm)