

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 12th MARCH, 2020

Present – Councillors P. Wild (Chairman), Abdullah, Dean, Fletcher, Khurram, Morris and Newall.

Apologies for absence were received from Councillors Flitcroft and Haworth.

Councillor P. Wild in the Chair.

39. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting held on 27th February, 2020 were submitted and signed as a correct record.

40. HACKNEY CARRIAGE UNMET DEMAND SURVEY

The Director of Place submitted a report which set out the findings of an unmet demand survey in relation to Hackney carriage vehicles in the Borough.

By way of background information, members were reminded that the Council retained a limit on the number of hackney carriage vehicles it would licence. The Department for Transport (DfT) Best Practice Guidance stated that where restrictions were imposed, this should be regularly considered by way of a survey into whether there is any unmet demand and whether the restriction of the number of hackney carriages should remain.

The Council previously considered the restriction in 2016 when the survey concluded that the number of hackney carriage licences be maintained at the current level of 108 as there was no unmet demand.

The report went onto explain that in April, 2019 Licensed Vehicle Surveys and Assessment (LVSA) were appointed by the Council to undertake a further independent, 'Hackney Carriage Unmet Demand Survey' in line with the DfT guidance,

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in order to determine whether the decision to restrict the number of hackney carriage vehicle licences remained appropriate. The study included public, stakeholder and trade consultations together with rank surveys.

The report went on to outline the findings and recommendations of the survey.

In terms of the recommendations, the report highlighted that on the basis of the evidence gathered in the hackney carriage unmet demand survey for Bolton, the key conclusion was that there was no evidence of any unmet demand for the services of hackney carriages either patent or latent which was significant at this point in time in the Bolton licensing area.

It was moved by Councillor Morris and seconded by Councillor Newall -

(i) That the report and its findings be noted.

(ii) That based on the findings of the survey, the number of hackney carriage vehicles remain at their current level of 108 and that a further report be submitted to this Committee on matters around the allocation of the current six spare plates.

(iii) That the cost of the survey be recovered from the hackney carriage licence holders by including the cost in the next fee review.

Where upon the motion was put to the vote and the voting was as follows, viz -

For the Motion, Viz –

Councillors Khurram, Abdullah, Morris, Dean, Fletcher, P. Wild and Newall.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried.

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.

41. MISCONDUCT BY A LICENSED PRIVATE HIRE DRIVER LER/08/20

The Director of Place submitted a report which set out details of misconduct allegations against a licensed private hire driver.

The driver and his solicitor attended the meeting.

It was moved by Councillor Newall and seconded by Councillor Fletcher that the licence to drive private hire vehicles be revoked.

Whereupon an amendment was moved by Councillor Dean and seconded by Councillor Morris that the licence to drive private hire vehicles be suspended for a period of three months.

Where upon the amendment was put to the vote and the voting was as follows, viz -

For the Amendment, Viz –

Councillors Khurram, Abdullah, Morris, Dean and P. Wild.

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Against the Amendment, Viz –

Councillors Fletcher and Newall.

Abstain, Viz –

Nil

Whereupon the Amendment was declared carried and it became the Substantive Motion.

Where upon the Substantive Motion was put to the vote and the voting was as follows, viz -

For the Motion, Viz –

Councillors Khurram, Abdullah, Morris, Dean and P. Wild.

Against the Motion, Viz –

Councillors Fletcher and Newall.

Abstain, Viz –

Nil

Whereupon the Substantive Motion was declared carried and it was specifically resolved –

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

The Committee also took account of –

- A complaint received on 6th June, 2019 regarding abusive and intimidating behaviour by the driver whilst he was driving with a passenger;

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- A complaint received on 28th June, 2011 regarding the driver's intimidating behaviour whilst in his vehicle involving him flashing his lights and gesticulating;
- A complaint from 30th June, 2011 regarding the driver's erratic behaviour. The driver also gave the complainant the V sign and spat at the complainant;
- A complaint from 3rd September, 2014 regarding the driver using his horn on and off from 7.53 am until 8.05am;
- A complaint from 19th July, 2016 about the driver driving erratically;
- A complaint from 19th September, 2018 regarding the driver being inappropriate and abusive towards a customer outside her house and also an allegation of trying to overcharge her;
- The Committee find, on the balance of probabilities, that the driver has acted inappropriately. The number of complaints also shows a pattern of behaviour. The driver denied all the allegations which the Committee did not find credible;
- Matters around the Council's Statement of Fitness and Suitability including matters around personal conduct, passengers and fares; and
- A number of references in support of the driver were tabled and noted.

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 Committee's primary duty is of concern for the safety and well-being of the public.

There is therefore reasonable cause to suspend the private hire drivers licence for a period of three months.

42. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/09/20

The Director of Place submitted a report which set out details of an application which had been received for a licence to drive a private hire vehicle.

The applicant attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

It was moved by Councillor Khurram and Seconded by Councillor Abdullah that the licence to drive private hire vehicles be granted, subject to the standard conditions, as detailed in the report.

The motion was put to the vote when the voting was as follows, viz-

For the Motion, Viz –

Councillors Khurram, Abdullah, Morris, Dean, Fletcher, P. Wild and Newall.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried.

(The meeting started at 2.00pm and finished at 3.54pm)