

## **LICENSING SUB-COMMITTEE (SENSITIVE CASES)**

MEETING, 19<sup>th</sup> FEBRUARY, 2019

Present – Councillors Murray (Chairman), Mrs. Fairclough, Greenhalgh, Khurram and McKeon (as deputy for Councillor Haworth)

Councillor Murray in the Chair.

### **14. 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.

### **15. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSCS/03/19**

The Director of Place submitted a report which set out details of misconduct allegations against a driver licensed to drive a private hire vehicle where there had been allegations of misconduct.

The driver and his solicitor attended the meeting.  
The sub-Committee also heard verbal evidence from the Licensing Officer.

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 previously been charged with three

counts of sexual assault which he had not declared in accordance with the conditions of his licence . 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 –

- Matters around the driver being arrested, charged and subsequently acquitted on three counts of sexual assault without informing the licensing unit in accordance with the conditions of his licence;
- Matters around the bail conditions imposed on the driver from 13<sup>th</sup> November, 2017 which included that he must not work as a taxi driver. The driver did not inform the licensing unit of this matter but there is no evidence that he drove;
- Matters concerning the Crown Court summing up transcript in which the Judge says that clearly there was an incident or incidents, something untoward. The defence case was that the complainant instigated the sexual activity and the defendant did not want to engage in such activity but the Sub-Committee found a degree of acceptance of this by the driver, also bearing in mind she was able to get on top of him and did not tell anyone at the time;
- Matters concerning the Council's statement of fitness and suitability and the failure of the driver to comply with the training provided in the knowledge test, passed in January, 2017; and
- The driver tabled a document which seemed to show his ratings by customers on the Uber App, which the Sub-Committee gave limited weight to.

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 drivers licence with immediate effect on the grounds of public safety.

(The Meeting started at 10.00am and finished at 12.50pm)