LICENSING AND ENVIRONMENTAL REGULATION COMMITTEE

MEETING, 11th APRIL, 2017

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

Apologies for absence were received from Councillors Mrs Fairclough, Greenhalgh, Haslam and Watters.

Councillor Donaghy in the Chair.

59. MINUTES OF THE LAST MEETING

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

Resolved – That subject to the deletion of the words, Councillor Murray in the Chair and the insertion therefor of the words, Councillor Donaghy in the chair the minutes of the meeting be agreed and signed as a correct record.

60. MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE (SENSITIVE CASES)

The minutes of a meeting held on 28th February, 2017 were submitted.

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

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

No items

61. 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.

62. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/11/17

The Director of Place submitted a report which set out details of the misconduct of a driver licensed to drive a private hire vehicle.

The applicant attended the meeting.

The Committee heard verbal representations from the 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 revoked 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 driver had a conviction for the possession of cocaine. 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 driver failed to declare a conviction for possessing a controlled drug, Class A – Cocaine from 2015 on two previous renewal application forms and in accordance with the conditions of his licence;

- The Council's Licensing Policy indicates that where a person has a conviction for an offence related to the possession of drugs and the date of conviction is less than 5 years, then a person applying for a licence, renewing a licence or an existing licence holder whose licence is being reviewed, will normally have the application refused or the licence revoked;

- The driver did not declare an offence of exceeding the speed limit on a public road from June, 2014 or an offence of exceeding the speed limit on a public road from January, 2016 in accordance with the conditions of his licence and on previous renewal applications. The Committee were also concerned about there being a pattern of speeding and traffic offences.

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 revoke the private hire drivers licence with immediate effect under Section 61 (2B) of the Local Government Miscellaneous Provisions Act, 1976 in the interests of public safety.

63. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/12/17

The Director of Place submitted a report which set out details of the misconduct of a driver licensed to drive a private hire vehicle.

The applicant and his brother attended the meeting.

The Committee heard verbal representations from the 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 revoked 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 driver had a conviction for using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence. 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 driver's conviction for using threatening, abusive, insulting words or behaviour with intent to cause fear or provocation of violence from 2015 which he had not declared on his two previous renewal applications or in accordance with the conditions of his licence;

- The Council's Licensing Policy indicates that an exteremely serious view will be taken where a person has been convicted of any offence of violence. A person will normally be refused, or revoked, where the person has been convicted of a offence under Section 4 of the Public Order Act 1986 (harassment, alarm or distress) and the conviction date is less than 5 years and the offence from 2015 was within this period.

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 revoke the private hire drivers licence with immediate effect under Section 61 (2B) of the Local Government Miscellaneous Provisions Act, 1976 in the interests of public safety.

(The Chairman, Councillor Donaghy left the meeting and the Vice-Chairman, Councillor Murray took the chair)

64. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/13/17

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.

The Committee heard verbal representations from the 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 granted, subject to the standard conditions, as set out in the report.

(Councillor Donaghy returned to the meeting and re-took the chair hereon)

65. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/14/17

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 did not attend the meeting.

The Committee heard verbal representations from the 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 not granted 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 failed to declare a medical condition on previous medical declarations since 2012. 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 failed to declare on the medical declaration form since 2012 details of the medical condition he had suffered in 2012 which was a heart attack. A heart attack is a serious medical emergency in which the supply of blood to the heart is suddenly blocked. The medical condition only came to light this year when the applicant was required to provide a medical fitness report, completed by his doctor; and

- This was the second time the applicant had been invited to attend this meeting but had declined to attend and had indicated that he was happy for the Committee to consider the matter. Consideration of the matter had been deferred at the meeting of this Committee held on 14th February, 2017 as it was the Committee's wish for the applicant to be present so they could seek information on the medical issue.

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.

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

(The meeting started at 2.00pm and finished at 5.05pm)