

**LICENSING AND ENVIRONMENTAL REGULATION  
COMMITTEE**

MEETING, 12TH MAY 2015

Present – Councillors Jones (Vice-Chairman), Allen (as deputy for Councillor Mrs. Fairclough), Bury, J. Byrne, L. Byrne, Chadwick, Greenhalgh, Hall, Harkin (as deputy for Councillor D. Burrows), Haslam, Haworth, Murray, Mrs. Swarbrick and Wild.

Councillor Jones in the Chair.

Apologies for absence were received from Councillors D. Burrows and Mrs. Fairclough.

**48. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of a meeting of the Committee held on 14<sup>th</sup> April, 2015 were submitted.

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

**49. 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.

**50. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER  
LER/12/15**

The Director of Environmental Services submitted a report which set out details of a complaint which had been received against a private hire driver during the period of his

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licence.

The driver, his representative, and a witness attended the meeting.

The complainant and his partner also attended the meeting.

Mrs Pritchard, Principal Licensing Officer also attended.

The Committee heard representations both verbally and in writing from Mrs Pritchard, Principal Licensing Officer, and from the Complainant and his partner. The Committee also heard representations from the driver's representative, the driver and his witness

The Committee gave careful consideration to the information provided in the report and on questioning the evidence from all of the parties attending the hearing.

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.

In coming to its decision the Committee was mindful of its duty to protect the public and the complaint of misconduct related to a serious assault by a private hire driver on a customer whilst acting as a taxi driver.

Following consideration of all the evidence the Committee found that on the balance of probabilities the driver did assault the customer on 8<sup>th</sup> March 2015 causing him to fall and suffer serious injury to his leg. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times and the driver concerned should not have retaliated with violence when a dispute over a fare had ensued.

The Committee, in coming to its decision, specifically also took account of, viz-

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- The written statements from the GMP officer, the complainant, his partner and from the driver's witness in relation to the incident;
- The oral testimony of the complainant and his partner which the Committee found to be credible;
- The Committee considered that on the balance of probabilities that the driver had punched the customer which led him to fall on the ground and suffer a fracture to his leg;
- The Committee did not find the driver's testimony to be credible and did not believe that the witness had witnessed the incident as he alleged;
- The Committee did not accept the driver's explanation that he was acting in self defence and found that even if the customer had provoked the driver, the driver should not have acted in a violent manner towards the customer; and
- The Council's Licensing Policy relating to offences of violence.

The Committee's primary duty is of concern for the safety and wellbeing of the public and this includes the most vulnerable in the community, the driver would work in an unsupervised environment and must ensure that he acts professionally and behaves in a safe and suitable manner at all times.

There is reasonable cause to revoke the licence with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act, 1976 in the interests of public safety due to the violence shown by the driver to a passenger whilst acting as a private hire driver.

#### **51. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/13/15**

The Director of Environmental Services submitted a report which set out details of a complaint which had been received against a private hire driver during the period of his licence.

The driver attended the meeting.

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The Committee heard representations both verbally and in writing from Mrs Pritchard, Principal Licensing Officer, PC Vernon from Greater Manchester Police and verbally from the driver.

The Committee gave careful consideration to the report, and heard representations from the driver that he did not fully understand the reason for and possible implications of his attendance at the Committee.

Resolved – That consideration of this matter be deferred until a future meeting of this Committee and to enable the driver to consider whether he wished to be legally represented.

(The meeting started at 3.00pm and finished at 6.00pm)