

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 21st FEBRUARY, 2019

Present – Councillors Murray (Chairman), Abdullah (as deputy for Councillor Khurram), Byrne (as deputy for Councillor Donaghy), Mrs Fairclough, Gibbon, Greenhalgh, Haslam, McKeon, Mistry (as deputy for Councillor Haworth), Morris, Peel (as deputy for Councillor Gillies), Sanders and P. Wild.

Apologies for absence were submitted on behalf of Councillors Khurram, Donaghy, Gillies, Haworth and Bagnall.

Councillor Murray in the Chair.

49. 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 they involve 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/07/19**

The Director of Place submitted a report which gave details of misconduct matters in relation to a driver licensed to drive a private hire vehicle.

The report outlined the full details of the misconduct matters by the driver.

The driver and his solicitor attended the meeting and provided verbal evidence.

C2

The Committee also heard information from the Licensing Officer and two witnesses.

It was moved by Councillor Peel and Seconded by Councillor Greenhalgh that the licence be revoked with immediate effect.

For the Motion, Viz –

Councillors Byrne, Peel, Mistry, Abdullah, McKeon, Murray, Morris, Mrs. Fairclough, Greenhalgh, Haslam, P. Wild, Gibbon and Sanders.

Against the Motion, Viz – 0

Abstain, Viz - 0

Whereupon the motion was declared carried and it was specifically resolved – That the licence to drive a private hire vehicle be revoked on the basis that the Committee are not satisfied that the driver is a fit and proper person to hold a licence.

Following consideration of all the evidence, the Committee noted the many complaints against the driver's conduct. Drivers are in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

The Committee also took account of the following, viz –

- A complaint from a member of the public from 11th October, 2018 concerning the driver apparently being abusive to a member of the public following his car being hit and opening the door of the lady concerned and being abusive;.
- This comes against a background of historical complaints, viz –
 - (a) A complaint that the driver had parked his vehicle in a disabled bay from 4th May, 2010;

C3

- (b) A complaint from 2nd November, 2010 by a member of the public alleging that she was assaulted by the driver resulting in injuries to her eye and jaw. GMP did not take any further action after the driver alleged she hit him first and the statement was retracted;
 - (c) A complaint from 6th January, 2011 which alleged the driver was plying for hire and committed an assault;
 - (d) A complaint from 21st February, 2011 by a member of the public relating to an allegation of overcharging and abusive behaviour;
 - (e) A complaint from a member of the public from 28th February, 2011 alleging the driver reversed into them;
 - (f) A complaint from 17th September, 2015 from a member of the public regarding abusive behaviour; and
 - (g) Eight other complaints which included allegations of overcharging and being abusive. These came to light following a visit to the operator on 1st February, 2018.
-
- The above comes against a background of historical complaints, previously considered by the Committee from 15th November, 2005, 9th September, 2007 and 10th February, 2009. The Committee were most concerned at the numerous complaints against the driver, over many years and on the balance of probabilities find that he acted inappropriately over a long period. The driver denied all the complaints against him and the Committee did not find his evidence credible;
 - The driver tabled two documents which related to an allegation that the driver was threatened with a hammer and no weight was given to these as this was not relevant to the drivers conduct. Mention was also made of the driver's general domestic arrangements and loss of income which the Committee gave limited weight to as the Committee cannot consider financial reasons.

Members of the public, 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.

C4

The committee's primary duty is of concern for the safety and wellbeing of the public.

There is therefore reasonable cause to revoke the private hire drivers licence with immediate effect on the grounds of public safety to protect the public from a person who has demonstrated a propensity towards inappropriate behaviour.

(The meeting started at 1.00pm and finished at 15.45pm)