

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 13TH NOVEMBER, 2018

Present – Councillors Haworth (Vice -Chairman), Abdullah (as deputy for Councillor Donaghy), Bagnall, J. Byrne (as deputy for Councillor Murray), Mrs Fairclough, Gibbon, Gillies, Greenhalgh, Haslam, Khurram, McKeon, Newall, Sanders and P. Wild.

Apologies for absence were submitted on behalf of Councillors Donaghy and Murray.

Councillor Haworth in the Chair.

19. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of the meeting of the Committee held on 16th October, 2018 were submitted and signed as a correct record.

**20. MINUTES OF THE LICENSING SUB-COMMITTEE
(SENSITIVE CASES)**

The minutes of the Licensing Sub-Committee (Sensitive Cases) held on 26th October, 2018 were submitted and signed as a correct record.

**21. MINUTES OF THE LICENSING SUB-COMMITTEE
(TRAFFIC MATTERS)**

The minutes of the Licensing Sub-Committee (Traffic Matters) held on 9th October, 2018 were submitted and signed as a correct record.

22. 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.

23. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/36/18

The Director of Place submitted a report which set out details of misconduct matters relating 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 attended the meeting and provided verbal evidence in respect of the matter.

The Committee also heard verbal evidence from the Licensing Officer and from the witness referenced MW.

It was moved by Councillor Gillies and seconded by Councillor Bagnall that the licence to drive a private hire driver be revoked with immediate effect on the grounds of public safety.

For the Motion, viz-

Councillors J. Byrne, Gillies, Haworth, Khurram, McKeon, Abdullah, Newall, Mrs Fairclough, Greenhalgh, Haslam, P. Wild, Bagnall, Gibbon and Sanders.

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 that the Committee is 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 complaint concerning the driver driving without care and attention. Drivers are placed in a position of trust and have

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a duty to conduct themselves in a lawful and professional manner at all times.

The Committee also took account of the following –

- A complaint from a primary school staff member who was with two school pupils which related to the driver not paying attention to the road and being a poor driver. The Complaint mentions specifically that the driver, on 29th June, 2018 was not watching the road at all for the majority of the journey, he was too busy trying to sort his e-cig. His hands were not on the wheel and was using his knees to steer and was constantly veering onto the other side of the road. The complaint also mentions about him driving down the middle of the road and having to slam on at a roundabout. On questioning the witness confirmed the driver had used his knees to steer the vehicle and that she and the pupils had been frightened by the experience. The Committee found this evidence to be credible. The driver denied remembering the customers and the events and denied ever driving using his knees which the Committee did not find credible;
- The driver attended a speed awareness course in March, 2018;
- A previous conviction for driving without due care and attention from 2014; and
- The driver also had an accident in his vehicle on 19th August, 2018 which was his fault.

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.

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 driver's licence with immediate effect on the grounds of public safety.

24. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/37/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had previous misconduct matters.

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

The applicant, his solicitor and trainee solicitor attended the meeting and provided verbal evidence in respect of the matter.

The Committee also heard verbal evidence from the Licensing Officer.

It was moved by Councillor Haworth and seconded by Councillor Mrs Fairclough that the licence to drive a private hire driver be granted but also a warning letter be issued regarding the need to declare all offences in future.

For the Motion, viz-

Councillors J. Byrne, Gillies, Haworth, Khurram, McKeon, Abdullah, Mrs Fairclough, Greenhalgh, Haslam, P. Wild, Bagnall, Gibbon and Sanders.

Whereupon, the Motion was declared carried and it was specifically resolved -

Resolved - (i) That the application for the grant of a private hire drivers licence be granted, subject to the standard conditions, as detailed in the report.

(ii) That the applicant be issued with a warning letter reminding of the need to declare any offences in the future and this be placed on his file.

25. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/38/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had previous misconduct matters.

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

The applicant attended the meeting and provided verbal evidence in respect of the matter.

The Committee also heard verbal evidence from the Licensing Officer.

It was moved by Councillor Gillies and seconded by Councillor Greenhalgh that the licence to drive a private hire driver be granted.

For the Motion, viz-

Councillors J. Byrne, Gillies, Haworth, Khurram, Abdullah, Newall, Mrs Fairclough, Greenhalgh, Haslam, P. Wild, Bagnall and Sanders.

Whereupon, the Motion was declared carried and it was specifically resolved -

Resolved - That the Application for a private hire drivers licence be granted, subject to the standard conditions, as detailed in the report.

26. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/39/18

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

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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 in respect of the matter.

The Committee also heard verbal evidence from the Licensing Officer.

It was moved and seconded that consideration of this matter be deferred.

For the Motion, viz-

Councillors Haworth, Khurram, Abdullah, Mrs Fairclough, Greenhalgh, Haslam, P. Wild and Bagnall.

Against the Motion, viz –

Councillors J. Byrne, Gillies, Newall and Sanders.

Whereupon, the Motion was declared carried and it was specifically resolved -

Resolved – That consideration of this matter be deferred to a future meeting, pending the receipt of further information.

(The meeting started at 12.30pm and finished at 4.35pm)