

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 22nd JULY, 2014

Present – Councillors Connell (Chairman), Bury, Chadwick, Mrs. Fairclough, Greenhalgh and Murray.

Councillor Connell in the Chair.

1. 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.

2. APPLICATION FOR A STREET TRADING CONSENT LER/04/14

The Director of Environmental Services submitted a report which set out details of an application which had been received for a Street Trading Consent.

The report also set out details of the applicants previous misconduct.

The Committee heard representations both verbally and in written form from Miss Clyne, Principal Licensing Officer.

The applicant and representative and two representatives of the Greater Manchester Police attended the meeting.

The applicant and his representative provided oral evidence and also responded to questions.

The Sub-Committee carefully considered all the evidence and the submissions made.

Resolved – That the application for a Street Trading Consent is refused.

In coming to its decision, the Sub-Committee was mindful of its duty to protect the public including the most vulnerable in society and the serious sexual exposure incident from May, 2010 took place in front of young people whilst working.

The Sub-Committee also took account of the fact that the applicant remained on the Sex Offenders Register for this offence and would be working in an unsupervised environment.

The applicant was also convicted in May, 2010 of driving or attempting to drive with an alcohol level above the legal limit and the Street Trading Consent application directly relates to the applicants ability to drive safely on the road network.

There is therefore reasonable cause to refuse to grant the Street Trading Consent.

3. EMERGENCY ACTION – MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSC/2/14

(Councillor Murray declared an interest in the following item having knowledge of the licence holder and left the room taking no part in the debate and vote thereon)

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

The report explained that the Director of Environmental Services had previously suspended the driver following serious misconduct allegations which related to rape and assault.

The driver, his wife and representative attended the meeting together with two representatives from the Greater Manchester Police.

The Sub-Committee heard verbal representations from Miss Clyne, Principal Licensing Officer and from the Police in relation to the submission of late evidence and the need for more time to be given to consider this.

Resolved – That consideration of this matter be deferred until a future meeting pending consideration of additional late information.

The driver's licence will remain suspended on the grounds of public safety as the allegations related to unacceptable sexual and violent behaviour.

There is reasonable cause for the licence to remain suspended until the Committee considers the matter.

4. EMERGENCY ACTION – MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSC/3/14

(Councillor Murray declared an interest in the following item having knowledge of the licence holder and left the room taking no part in the debate and vote thereon)

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

The report explained that the Director of Environmental Services had previously suspended the driver following serious misconduct allegations which related to rape and assault.

Two representatives from the Greater Manchester Police attended the meeting but the driver had indicated that he was unable to attend the meeting due to being abroad.

Resolved - That consideration of this matter be deferred until a future meeting when the driver is able to attend.

The driver's licence will remain suspended on the grounds of public safety as the allegations related to unacceptable sexual

and violent behaviour.

There is reasonable cause for the licence to remain suspended until the Committee considers the matter.

5. EMERGENCY ACTION – MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LERSC/1/14

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

The report explained that the Director of Environmental Services had previously suspended the driver following serious misconduct allegations which related to violence and assault.

The driver attended the meeting together with two representatives from the Greater Manchester Police.

The Sub-Committee heard verbal representations from Miss Clyne, Principal Licensing Officer and from the Police.

The report from the police which initiated the suspension related to the driver's arrest following an allegation of assault on his partner with a weapon. It was alleged that following an altercation he had advanced towards his partner with a bread knife. In defending herself the driver's partner had taken hold of the knife and sustained a small cut to her hand.

Following the driver's arrest his partner stated that her account had been false.

The information given by the police was that an officer had responded to a call from the driver's wife, having been informed that there was a history of calls relating to domestic violence linked to the property.

On questioning the driver admitted that there had been an altercation but stated that his wife had attacked him whilst he was holding a knife, and suffered a cut. He was aware that his wife was telephoning the police but had left the family home.

He confirmed that his children were in the house at the time of the incident.

The driver stated that this was a “one off incident” . He initially denied that there was a history of calls relating to domestic violence, but subsequently admitted that his wife had previously made a number of calls to the Police regarding domestic violent issues.

Resolved - That in respect of report numbered LERSC/1/14 the licence to drive a private hire vehicle be revoked on the basis that the Sub-Committee is not satisfied that he is a fit and proper person to hold a licence at this time.

In coming to its decision the Sub-Committee was mindful of its duty to protect the public and on the balance of probabilities, following consideration of all the evidence, and the background of previous reports to the police, find that unacceptable violent behaviour with a knife did occur and this is amongst the most serious of all offences.

The Sub-Committee’s primary duty is of concern for the safety and wellbeing of the public and this includes the most vulnerable in the community and the driver would be working in an unsupervised environment.

The sub-Committee also took account of previous domestic violence telephone calls to the Police from the driver’s wife.

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.

(The meeting started at 5.30pm and finished at 4.43pm)