

Runnymede Borough CouncilREGULATORY COMMITTEE28 February 2007 at 10 a.m.

Members of the Committee present: Councillors D.W. Parr (Chairman) A.J. Davis, R.J. Edis, C. Knight and B.J. Relph.

Members of the Committee absent: None.

557. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

It was understood that the Group mentioned below had notified the Chief Executive Officer of its wish that the change listed below be made to the membership of the Committee. The change was for a fixed period ending on the day after the meeting and thereafter the Councillor removed would be reappointed.

Group requesting Change	Remove from Membership	Appoint Instead
Conservative	Councillor Mrs P.I. Broadhead	Councillor C. Knight

The Chief Executive Officer had given effect to this wish in accordance with Section 16(2) of the Local Government and Housing Act 1989.

558. PRIVATE HIRE DRIVER'S LICENCE

By resolution of the Committee, the press and public were excluded from the hearing during the consideration of this report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve the disclosure of exempt information of the description specified in paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Act.

The Council's Legal Officer outlined the procedure at the hearing to Mr H and he agreed that he understood and was content with the arrangements to conduct the hearing. He confirmed that he was not represented and agreed that he would prefer the Council's Proper Officer to present their case to the Committee first.

The Proper Officer presented a report to the Committee detailing the circumstances under which the holder of a Private Hire Vehicle Driver's licence had his licence suspended under the provisions of S.61(i)(b) of the Local Government (Miscellaneous Provisions) Act 1976, pending the decision of the Committee in respect of whether his licence should be revoked for a 'reasonable cause' under S.61 of the 1976 Act.

Members were informed that a suspension notice had been duly served on Mr H and authorised through Standing Order 42 procedure which had been signed by the Chairman of the Committee.

Members noted that Mr H had been granted a private hire driver's licence on 18 August 2005 and had been duly employed by a local reputable Private Hire Taxi Company until early January 2007 when he was dismissed by his employer as a result of the allegations made by two females and to be considered by the Committee.

The Committee was advised that Mr H had been interviewed by a Licensing Officer of the Council on two occasions each in respect of complaints received regarding his conduct towards two female passengers in his private hire vehicle. The first interview took place in August 2006, and the second in January 2007. Details of the allegations were set out in the report to the Regulatory Committee.

Mr H was provided with the opportunity to ask questions of the Proper Officer.

Mr H denied being interviewed by the Licensing Officer in relation to the first alleged incident or being in receipt of any correspondence about it. It was unfortunate that the Council's paperwork pertaining to this event was not available. However, the Proper Officer's version of events was corroborated by a communication from the driver's former employers. Members determined that the first incident should carry less weight on the basis of the missing files.

The Proper Officer confirmed that the first complainant had approached the Police but her complaint was withdrawn after being interviewed by them. In addition, her father had made a verbal complaint to the employer following the alleged incident. At this time, Mr H's employment was temporarily suspended whilst the incident was investigated. He was reinstated once it had been determined that no further action was being taken. The Council's Licensing Officer was not privy to the transcript of the Police's interview with Miss Y and did not interview her as she was a minor and it was considered more appropriate for the Police to investigate the complaint.

Mr H then had the opportunity to make his own representations in which he vigorously denied the allegations, claiming that he had not mentioned sex at all during the course of his conversations with the two people in question.

Members and the Proper Officer were given the opportunity to ask questions of Mr H.

In response to a question about the content of the exchange between Mr H and the second complainant he denied being the instigator of sexual content in their conversation, asserting that in fact she had given him cause to complain owing to the remarks made by her to him which he found offensive.

Officers confirmed that the second complainant was unable to attend the meeting to address issues arising from the version of events cited by the driver as she was out of the country on business.

Mr H considered the second complainant may have been irritated because he was late collecting her. She claimed in her statement to the Council's Licensing Officer of 14 February 2007 that he was late and had not contacted her to let her know. The Chairman pointed out that the matter of tardiness was not really a concern of the Committee.

Both the Proper Officer and Mr H were afforded an opportunity to make a closing submission

At this stage Mr H emphasised that he had never been in trouble of this nature before; that he was helpful and conscientious, always offering to help people with their luggage, so there was nothing untoward in his offer to the second complainant to carry her bags indoors. The Proper Officer commented that this was an offer she denied because she claimed to feel intimidated as a result of the exchange between them immediately prior to their arrival at her house.

Mr H and the Proper Officer left the Committee Room whilst Members deliberated on their decision.

The vetting procedures of private hire companies were discussed; and Members were advised that if licensed by the Council an employer could reasonably assume that the necessary checks had been undertaken in respect of a prospective new driver. It was also thought in turn that a reputable employer who suspended a driver would inform the Council that had issued the licence of its actions, as was the case here, so that appropriate steps could be taken.

Members agreed that in cases such as these obtaining very good evidence was extremely difficult. However, the Committee noted all the available evidence, including the fact that Mr H's oral evidence at the hearing and written evidence on his statement had been contradictory, throwing some doubt on his oral evidence submitted at the hearing.

Accordingly, the Committee agreed that his Private Hire Driver's Licence should be revoked on 'reasonable grounds' in accordance with the provisions made under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 based on the evidence presented in the report to the Committee and heard at the Hearing.

Mr H was advised of the decision at the meeting and informed that it would be confirmed in writing to him within 48 hours of the meeting. He was also advised of his right to appeal to the Magistrates Court within 21 days of the decision.

RESOLVED that –

- i) The Committee have determined that it is minded to revoke the Private Hire Driver's Licence of Mr H under the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of 'reasonable cause' as set out in Runnymede Borough Council's committee report to the Regulatory Committee of 28 February 2007;**
- ii) the Private Hire Driver's Licence belonging to Mr H, currently suspended, be revoked forthwith, and if not already done so, he be instructed to return his badge and permit to the Council's Proper Officer;**
- iii) Mr H be advised of his right to appeal within 21 days of the date of service of notice of the revocation; and**
- iv) the decision to revoke the said Private Hire Driver's Licence be confirmed in writing to Mr H within 48 hours.**

Chairman

(The meeting ended at 10.45 a.m.)