



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Monday, 9 July 2018

MEMBERS PRESENT: Councillor Marion Lowe (Chair) and Councillors Tom Gray, Steve Holgate, Hasina Khan and Sheila Long

OFFICERS: Tracy Brzozowski (Customer Services Manager (Enforcement)), Carl Gore (Enforcement Officer (Licensing and Empty Properties), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

17.LSC.153 Declarations of Any Interests

There were no declarations of interests received.

17.LSC.154 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

17.LSC.155 Exclusion of the Public and Press

RESOLVED – That the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

17.LSC.156 To Determine Action (if any) in Relation to Driver Licences and Vehicle Licence as per Sections 60 and 61 of the Local Government (Miscellaneous Provisions) Act 1976

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the Licence Holder remained a fit and proper person to hold his private hire driver licence (PHD), his hackney carriage driver licence (HCD) and his private hire vehicle licence (PHV) after consideration of the information contained within the report.

The Licence Holder and his representative were both present to make their representations to the Sub-Committee.

Members were informed that on 24 May 2018, a complaint was raised to Chorley Council stating that the Licence Holder was stealing from vulnerable customers who suffer from Dementia. The complainant did not wish to be named. The complainant claimed that the vulnerable customers were having monies withdrawn from their accounts by the Licence Holder who was subsequently keeping the money. The Licence

Holder had been arrested in regards to these matters and had been released on bail whilst an investigation was conducted.

On 24 May, a request for information in regards to this complaint was made to Lancashire Police. Subsequently, a telephone conversation took place between the Council's Licensing Officer and the Police Officer dealing with the case, who gave an account of the case as requested and provided an email for clarification.

In summary this indicated that the police received a report from a family member of an elderly vulnerable man stating they had noticed large sums of money being taken out of ATM's whilst the elderly man was bed bound in hospital. They named the Licence Holder concerned as the offender who had met the gentleman through regularly picking him up in his taxi and built up his trust. The gentleman stated he trusted the Licence Holder with his bank card and PIN in order to get his shopping for him and nothing more, the two had an understanding that the full transaction amount would be taken out when requested.

The Licence Holder had been arrested for fraud and subsequently released on bail pending investigation. On his arrest, another bank card belonging to an additional elderly male was found upon the Licence Holder's person. The Licence Holder explained that this was another elderly vulnerable male who he similarly met through his taxi driving and built up his trust. This male had no family and it was reported that the Licence Holder was in the process of applying to have power of attorney over the finances of this second male.

Following contact with the Licence Holder, an appointment was made for him to discuss these matters with the Licensing Officer at the Chorley Council Offices. The Licence Holder attended the meeting where he confirmed that he was currently on Police Bail pending investigation and clarified the officer leading the investigation who arrested him and conducted the interview.

The Licence Holder first applied for his licences at Chorley Council in September 2015. The Licence Holder declared a Police Caution from May 2010, within his application. This was subsequently considered by the General Licensing Sub-Committee who determined that he be granted his PHD and HCD licences.

The Licence Holder's solicitor reminded Members that at the Sub-Committee in 2016, the Licence Holder was deemed fit a proper and subsequently granted his licences. The Licence Holder's solicitor circulated references to the Sub-committee from the public and customers in support of the Licence Holder. The Licence Holder's solicitor asked Members to consider the financial difficulties this would have for his family and requested that Members defer the decision until the police investigation had concluded in the coming weeks. He advised that, had there been sufficient evidence, the Licence Holder would have been charged previously.

The Licence Holder provided the Sub-Committee with an account of the reported incidents. Members were advised that the first elderly gentleman concerned regularly contacted the taxi firm the Licence Holder worked for and would ask for the Licence Holder specifically. As a result, the Licence Holder believed they had built up a friendship and certain level of trust and he would often help the gentleman by taking him shopping and helping him into his home. It was confirmed that this took place both in and out of his working hours. The Licence Holder reassured Members that the taxi firm

he worked for were aware of the Licence Holder going above and beyond his duty as a taxi driver and ensured that his family had worked at the business for many years.

The Licence Holder explained that on one occasion he was informed that the gentleman's bank account had been hacked from abroad and the account was subsequently suspended. The Licence Holder assisted the gentleman at the bank and advised that he would always identify himself at the bank by using his taxi badges. The gentleman withdrew a large amount of money at this time whilst would otherwise have been obliged to wait for his new bank card to be issued. The Licence Holder was contacted a few days later by the gentleman asking to take him to the bank to withdraw more money as he had used all the money previously withdrawn on bills.

The Licence Holder reported that when he became suspicious as this behaviour continued, he contacted the gentleman's son via social media to let him know the situation, who advised the Licence Holder that all of his father's bills were paid via direct debit and not in cash.

Following queries, the Licence Holder advised that the gentleman's sons also had access to his bank card and his neighbour would often also help with his shopping. However, it was stated that the gentleman's sons were often reluctant to help him. The Licence Holder informed Members that he would also visit the gentleman when he was in hospital. The gentleman would ask the Licence Holder to withdraw the maximum amount out from his account and pick up requested items from the shop for him, whilst giving the remaining money back to the gentleman.

The Licence Holder advised that he also went away for a couple of weeks and confirmed that the gentleman asked him to withdraw £900 before going away. The Licence Holder assured Members that he did not know where the large sums of money that he withdrew for the gentleman went. It was advised that the gentleman had moved into a home since this time and the Licence Holder informed Members that social services had not been involved.

However, it was understood that social services had been involved with the second gentleman as he had no relatives. The Licence Holder explained to Members how he had helped the second gentleman when he discovered his circumstances, stating that the gentleman lived poorly without taking care of himself or property; however the Licence Holder did not describe the gentleman as vulnerable. It was advised that, following a request from the second gentleman, the Licence Holder had been granted power of attorney which is why he had his bank card on his person at the time of arrest.

Following Member queries, the Licence Holder reassured Members that he never thought he was doing any wrong or that anything would come of his actions due to the level of respect between himself and the elderly gentlemen. He would visit both gentlemen in his own time to provide support and assistance; however the solicitor advised that the Licence Holder had no involvement with both gentlemen at present. The Licence Holder reassured Members that he had learnt his lesson from this experience and would not have this involvement in future with his customers.

After careful consideration of all the relevant facts in the report and representations from the Council's Licensing Enforcement Officer, the Licence Holder and his representative, and having regard for the Council's Consolidated Policy on Taxi Licensing, the Sub-Committee **RESOLVED to issue the Licence Holder with a stern warning to lie on**

his licensing file and advised that any repeat of such behaviour would likely result in the revocation of licences. The decision was taken for the following reasons:

1. The Licence Holder appeared to lack an insight into whether an elderly passenger who could not look after themselves and suffered from dementia was vulnerable when it was manifestly clear to the Sub-Committee that such a passenger is vulnerable.
2. Access to customer bank accounts by taxi drivers exposed vulnerable passengers to risk of financial exploitation.
3. Members attached limited weight to the character references supplied.

Chair

Date