



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 14 August 2019

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), and Councillors Terry Brown, Danny Gee, Tom Gray and John Walker

OFFICERS: Carl Gore (Enforcement Officer (Licensing & Empty Properties)), Stefanie Leach (Solicitor) and Philippa Braithwaite (Democratic & Member Services Officer)

19.21 Declarations of Any Interests

There were no declarations of interests received.

19.22 Procedure

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

19.23 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.

19.24 GLSC taxi incident report

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 a licence.

The Licence Holder was present at the Sub-Committee.

The Licensing Officer outlined his report, highlighting that Chorley Council received a statement of complaint on the 6 June 2019 stating that the Licence Holder refused to take a passenger with an assistance dog on Saturday, 6 April 2019. The taxi was booked by a member of staff from Chorley Hospital Emergency Department on behalf of the passenger.

There were a number of appendices submitted as audio recordings; the Licensing Sub-Committee proceeded to listen to those recordings which involved the booking being discussed, the booking being taken, the discussion between the Licence Holder and Operator after the driver had arrived for pick up, and a conversation between the Operator and the person making the booking on behalf of the passenger.

The Licensing Officer also reported that, on the 12 October 2011, the Licence Holder attended a General Licensing Sub Committee as his licence renewal application revealed that the Licence Holder had received a Police Caution, which had not been declared to Chorley Council in accordance with the conditions of his licenses. It was noted that at that meeting, the Sub-Committee had resolved to take no action as a result of this.

In response to questions from the Sub-Committee, the Licensing Officer confirmed that, although not specifically part of the application process, the requirement to transport assistance dogs was clearly set out as a condition on the private hire drivers' licence. The Licensing Officer confirmed that the dog was clearly marked as an assistance dog and paperwork confirming this status had subsequently been produced. The Sub-Committee noted that the Licence Holder had attended Safeguarding training with the Council; the Licensing Officer confirmed that this training did not specifically cover assistance dogs but focussed on safeguarding of vulnerable people. In response to further questioning, the Sub-Committee noted that the Licence Holder was aware that the passenger was accompanied by an assistance dog when he accepted the booking.

The Licence Holder advised that, upon his arrival, the passenger was waiting outside with her assistance dog. The dog made a mess and he waited while it was cleaned up. The Licence Holder advised that he asked the passenger to sit in the back of the vehicle as it would be more comfortable for her. He stated that he did not refuse to take her but instead that the passenger refused to travel with him, despite him saying twice that she could sit wherever she wanted in the vehicle. The Licence Holder advised the Sub-Committee that the passenger had not made this complaint but that a third party had made the complaint a long time after the incident.

In clarification, the Sub-Committee noted that the complaint had been made by a receptionist at the hospital who made the booking on behalf of the passenger, and that the complaint had been received on 6 June 2019, two months after the incident on 6 April 2019.

The Sub-Committee listened again to the audio recording of the Licence Holder's conversation with the Operator.

In response to questions from the Sub-Committee, the Licence Holder confirmed he knew about the assistance dog when he took the booking, and that he understood the warning given by the Operator during their phone conversation that refusing a passenger with an assistance dog was against the law and might result in him losing his licence. He advised that journeys with assistance dogs were not uncommon, but the frequency varied, and he confirmed he was still employed by Yellow Cabs.

The Licensing Officer asked the Licence Holder why during his interview under caution he had stated the Operator had told him to leave, when the recording demonstrated that the Operator warned him that refusing the booking was illegal. The Licence Holder responded that he had liaised with the Operator through the taxi app prior to the phone conversation.

The Licensing Officer reminded the Licence Holder that he had stated in the interview under caution that the dog was dirty and asked whether this was the reason he had refused the booking. The Licence Holder responded that he had not argued with the passenger and that he had asked her to sit in the back. Members asked for

clarification as to whether the passenger was refused because the dog was regarded as dirty and the Licence Holder advised that this was not an issue.

The Licensing Officer asked the Licence Holder if he had informed the passenger that another taxi was being sent for her before he left, and the Licence Holder responded that he had left after speaking with the Operator. When asked how he felt about leaving the passenger stranded with no knowledge that another taxi was coming, the Licence Holder advised that there was a limit to how long he could stay parked there.

In summary, the Licence Holder reiterated that the passenger had not complained, and the complaint had been made by a third party two months after the incident. He advised that the previous Sub-Committee appearance in 2011 had been a personal matter and unrelated to his dealings with the public. In addition, the Licence Holder advised that he had not received any complaints previously whilst he has been a taxi driver.

After careful consideration the Sub Committee **RESOLVED** that the Licence Holder is no longer a fit and proper person to hold a private hire driver and hackney carriage driver's licence, as such Sub Committee resolved to revoke the Licence Holder's licences for the following reasons:

- 1. Members listened to the complaint brought before them, the driver's representations and the audio footage appended to the committee report. They are satisfied that the driver has breached condition 22 of his private hire driver's licence and failed to carry out the booking subject to the complaint due to the presence of the assistance dog;**
- 2. The driver has not produced any evidence to confirm that he has a medical condition that would exempt him from taking assistance dogs in a taxi that he is driving;**
- 3. Members do not attach weight to the justification put forward by the Licence Holder to explain why the booking was not carried out due to the customer refusing to sit in the back of the vehicle with the assistance dog;**
- 4. The Licence Holder's actions are contrary to the Equality Act 2010 and this was made clear to him during his telephone discussion with the operator;**
- 5. The Licence Holder has significant experience in being a taxi driver and knows his obligations in respect of taking customers with assistance dogs;**
- 6. Furthermore, the Licence Holder's actions are aggravated by the fact that the customer was left stranded and was a vulnerable person.**

Chair

Date