

Present

Councillor R A Baker
P Bardon

Councillor Mrs J Watson

LAHP.22 **ELECTION OF CHAIRMAN**

THE DECISION:

That Councillor R A Baker be elected Chairman for the duration of the meeting.

(Councillor R A Baker in the Chair)

LAHP.23 **EXCLUSION OF THE PUBLIC AND PRESS**

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no LAHP.24 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 Act as the Panel was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

LAHP.24 **SUITABILITY OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER**

The subject of the decision:

The Director of Law and Governance (Monitoring Officer) asked the Panel to consider whether the licence holder ("D") was a fit and proper person to continue to hold a hackney carriage and private hire driver licence.

Alternative options considered:

The Panel considered the options in paragraph 6.1 of the officer's report but, having concluded that D was not a fit and proper person to hold a hackney carriage and private hire driver licence, the only suitable option was to revoke D's licence with immediate effect.

The Panel was not satisfied that any of the alternative options, including issuing a warning or a period of suspension, would adequately serve the interests of the public and address the safety concerns raised.

The reason for the decision:

The Panel considered:

- the officer's report;

- the written and oral representations of D;
- the written and oral representations of D's employer ("E");
- the Council's Hackney Carriage and Private Hire Licensing Policy; and
- the relevant legislation.

The Panel was informed that on 26th March 2018 D was arrested on suspicion of sexually assaulting a female. D was subsequently released subject to three bail conditions, one of which prohibits D from having unsupervised contact with any child under the age of 16 years.

The Panel noted that, at the time of the hearing, the allegation was still under police investigation and no charge had been made against D.

The Panel noted that E, on D's behalf, had informed the Council of the arrest and provided the Council's Principal Licensing Officer with a copy of D's notice of bail conditions.

D informed the Panel that he had been accused by his partner's 14 year old granddaughter ("F") of touching her between her legs during an incident which occurred between September and Christmas 2017. D informed the Panel that he was first made aware of the accusation by the police in March 2018 and the accusation came "out of the blue".

D told the Panel that he had not been informed of a particular time or date of the alleged incident. However, D did inform the Panel that, on one occasion, he and his partner had attended his partner's daughter's house. According to D, at this time, he and his partner had a good relationship with his partner's daughter and her children. D stated that on that occasion he had been sat on the sofa between F and F's 7 year old sibling. D told the Panel that he had placed his right hand on F's left knee to get up from the sofa when he left to use the bathroom. D informed the Panel that the sofa was low and that he had used F's knee as support. When D was asked if it was normal for him to touch F in that manner, D said "I wouldn't do it all the time. I just sort of did it". D told the Panel his partner and his partner's daughter were in the kitchen at the time of the incident.

D told the Panel that F's mother receives some support from social services. D stated that he does not agree with some of the social worker's views. D informed the Panel that he believes his partner's daughter is gullible and that the social worker is "putting ideas in her head".

D informed the Panel that he has been in a relationship with his partner for approximately ten years. D told the Panel that, prior to some time in 2017, he and his partner had only seen his partner's daughter and her children intermittently due to a fallout in the family. D informed the Panel that F and her siblings called him "Grandad".

D informed the Panel that, following the allegation coming to light, North Yorkshire County Council had suspended his involvement in any school contract journeys including where children are accompanied by an adult.

The Panel considered the contents of E's written character reference and oral submissions and noted that D had not been the subject of any formal enforcement action in the past. E informed the Panel that he believed this to be an unfortunate allegation and that he had no concerns with D's continued employment. The Panel accepted that D had a good history and reputation with his employer.

The Panel considered D's bail condition prohibiting any unsupervised contact with any child under the age of 16 years. The Panel noted that hackney carriage drivers are required to carry all passengers unless there is reasonable cause not to do so. The Panel was satisfied that compliance with a bail condition would likely be reasonable cause not to carry a passenger. However, the Panel was concerned that if an unsupervised child was refused access to D's vehicle, any such refusal on the basis of the passenger's age would have the potential to raise public concern as to D's suitability to act as a hackney carriage and private hire driver.

The Panel noted that both social services and the police had become involved in this matter. The Panel noted that the police can only make an arrest where an officer has reasonable suspicion of the person's involvement in an offence. The Panel concluded that the severity of the allegation and the actions taken by the police raised serious concerns about D's status as a fit and proper person to hold a hackney carriage and private hire driver's licence.

Having concluded that there were serious concerns about D's suitability to act as a hackney carriage and private hire driver, the Panel considered the options outlined at paragraph 6.1 of the officer's report.

THE DECISION:

Taking account of the above and, having given appropriate weight to the evidence, the Panel concluded that D was not a fit and proper person to hold a hackney carriage and private hire driver's licence.

The Panel was not satisfied that any sanction less than revocation would adequately serve the interests of the public. The Panel therefore resolved to revoke D's licence for 'any reasonable cause' in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

In accordance with section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, the Panel decided to give immediate effect to the decision in the interests of public safety.

The meeting closed at 10.45 am

Chairman of the Panel