

STEVENAGE BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE MINUTES

Date: Monday 18 December 2017

Place: Council Chamber, Daneshill House, Danestrete, Stevenage

Present: Members: L Chester (Chair), C Latif (Vice-Chair), L Harrington, J Lloyd and M Notley.

Start/End Time: Start Time: 10:00 am
End Time: 11.50 am

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors D Bainbridge, L Briscoe, H Burrell, E Connolly, A Farquharson, R Hearn, M McKay, C Saunders and G Snell.

There were no declarations of interest.

2. MINUTES - GENERAL PURPOSES COMMITTEE - 27 JUNE 2017

It was **RESOLVED** that the Minutes of the General Purposes Committee meeting of 27 June 2017 are approved as a correct record and signed by the Chair.

3. URGENT PART 1 BUSINESS

None.

4. EXCLUSION OF PUBLIC AND PRESS

It was **RESOLVED**:

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.
2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

5. REVIEW OF A DUAL (HACKNEY CARRIAGE / PRIVATE HIRE) DRIVER LICENCE - MR Z.K

The Commercial and Licensing Manager presented a report to the Committee and informed the Members that the purpose of the meeting was to consider whether the Licence Holder (Mr ZK) remained a fit and proper person to hold a Dual Driver's licence under section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 and what action, if any should result from that determination.

The Officer advised the Committee that the Licence Holder had been the subject of a report from Hertfordshire Constabulary regarding an alleged serious sexual offence. On 10th September 2017, the police visited the home of a woman who had made a report that she had been raped following a taxi ride home in the early hours of 10th September 2017.

The Licensing Officer advised Members that following an investigation by the police, Mr ZK was identified and invited to the police station where he was interviewed under caution. The police decided not to take further action against the taxi driver as the alleged victim's account was not consistent and Mr ZK's account could not be disproved.

On receipt of a police report, the licensing officers invited Mr Z.K. to the council offices to give an account of the incident with a view of assessing his fitness and propriety to hold a dual driver's licence.

The Licensing Officer referred Members to paragraph 5.1 of the report which set out the possible courses of action available to the Committee.

The Chair then invited the Applicant, Mr Z.K, to ask questions of the Licensing Officer. Mr Z.K. did not have any questions but sought to clarify that at no point was he aware that sex was on offer.

The Chair invited Mr ZK to address the Members. The Applicant started by stating that he did not take advantage of the customer and he agreed with the assessment of the police officers that the fare did not appear to be drunk. Mr ZK admitted that he had sex with the customer but that it was consensual. He pointed out that the incident happened on what was his last shift of the day and he believes at that time, she was no longer classified as a customer.

The Applicant informed the Committee that he voluntarily reported to the police station and he was neither arrested nor charged. Mr ZK stated that he has never been convicted. He maintained that he had a good reputation with customers and fellow drivers and he was always professional. Mr ZK was worried about the potential reputation damage, loss of income and restrictions on career choices should the Committee decide to revoke his licence.

Mr ZK stated that he did not believe the cases referred to in the background documents (Cherwell District Council v Anwar [2011] and Leeds City Council v Hussain [2002] were relevant to his case.

Mr ZK admitted that, in hindsight, his actions were foolish and that he would not repeat such behaviour again. The incident had embarrassed him and it had brought shame to his family.

With the Chair's permission, Mr ZK submitted to the Committee two character witness statements from regular customers, including a barrister.

The Chair then invited the Members to ask questions to the Applicant.

Following a question regarding the gravity of the allegations, the Applicant informed the Members that he believed he still met all the conditions set out in the Fit and Proper Test. He did not believe it fair for him to be judged on one incident.

In response to a question, Mr ZK confirmed that the customer had paid a fare for the ride. Mr ZK confirmed that there was a minor dispute about who was at the front of the queue. He decided to pick the female customer because he believed she was the first in the queue.

In his closing remarks, the Commercial and Licensing Manager stated that other than this incident, the Applicant had a clean record. He pointed out that contrary to Mr ZK's assertion, the Council considered him to be within the course of his duties throughout the incident. The cases that had been cited were relevant because the Fit and Proper test had been clarified and the case had been brought before the Committee because of the serious nature of the allegations.

The Applicant did not wish to make a closing statement. However, he informed the Members that he had received a letter from the police that the incident will be included on his Disclosure and Barring Service (DBS) profile. The Applicant was informed that the Committee process was not linked to DBS checks.

All parties, with the exception of the legal adviser to the Committee and the Committee Clerks, withdrew from the meeting and the Committee considered its decision.

The Licence Holder was recalled and asked to clarify how long it would take for a CCTV to be installed on the vehicle. The Applicant informed the Members that according to initial investigations, a CCTV could be fitted onto the taxi within 48 hours of being taken to a CCTV contractor.

The parties withdrew again while the Committee made a decision. Following full deliberations, the applicant, his representative and the Licensing Officers came back into the meeting to be advised of the Committee's decision.

It was **RESOLVED** that the Applicant, Mr ZK, could continue to hold a Dual Drivers Licence subject to the condition that he may only drive as a licensed taxi driver a vehicle which has been fitted with a working internal and external CCTV system with visible signage. The system should have 28 day storage facility which must be available to the Council's Licensing officers on request.

6. URGENT PART II BUSINESS

None.

CHAIR