

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 10 OCTOBER
2017**

Present:

Councillor Hutton (in the Chair)

Councillors

Hobson	Robertson BEM	Singleton
Humphreys	Mrs Scott	

In Attendance:

Mrs Sharon Davies, Head of Licensing Service
Mr Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 12 SEPTEMBER 2017

Resolved: That the minutes of the meeting held on 12 September 2017 be signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

Resolved: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda items 3, 4 and 5 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

4 CONSENT FOR PHOTOGRAPHY BY WAY OF TRADE OR BUSINESS

The Sub-Committee was informed of an applicant seeking consent for photography for trade or business, who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as follows:

S.L (New applicant)

Mr Mark Marshall, Head of Licensing Service, who was in attendance, presented the case on behalf of the Authority. He reported that the applicant had been referred to the licensing service following his application for a consent for photography licence and as part of routine checks carried out on applicants, it had emerged that SL had been arrested but not formally charged in relation to an offence of a sexual nature.

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The applicant, who was in attendance, explained that in his opinion, the incident was a misunderstanding and that there was no case to answer as he had not been charged.

The Sub-Committee accepted that the facts surrounding the applicant's arrest were limited and no charges had ultimately resulted. However, SL's version of events seemed confused and given the sexual nature of the incident and the fact that the applicants intended employment, should consent be granted, would involve him working in close proximity to children, the Sub-Committee expressed concern that sufficient risk to the public did exist.

Resolved:

To refuse consent for photography by way of trade or business as the applicant was not a fit and proper person to be granted such consent.

5 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of a number of applicants and existing Hackney Carriage and Private Hire Vehicle drivers who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the applications and referral as follows:

(i) L.A.K (New Private Hire Driver applicant)

Mr Marshall presented the Authority's case. He reported that the applicant had previously been refused a licence on the grounds of dishonest conduct on his part for non-declaration of an offence on the application to be licensed. It was also noted that the conviction had now expired.

LAK advised that he regretted the incident and had not been in any other trouble either before or since that date. He added that he had received a firm offer of work should the licence be granted and apologised for his ignorance in relation to what should have been declared on the application.

The Sub-Committee expressed concern about the lack of understanding displayed by the applicant when completing his previous application to be licensed. However, members were minded that given the time that had elapsed since the offence and LAK's frank and honest account and general attitude, he had now demonstrated that he could be considered fit and proper to be granted a licence.

Resolved: That the application for a Private Hire Driver's Licence be granted.

(ii) S.P.S (New Private Hire Driver applicant)

SPS was in attendance and made representations to the Sub-Committee. He explained that in response to the Authority's case, he had made mistakes in relation to the number of serious offences outlined in the report. Whilst there were numerous convictions and sentences listed, he added that all time had been served and he had been conviction free for more than a decade. With regard to the driving offences, the applicant had few

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answers and was unable to recall any detail about a conviction for dangerous driving listed in the report.

The Sub-Committee were satisfied that all punishments for criminal convictions had been served by the applicant and he not been convicted of further offences for an extended period of time. However, some of the driving convictions were recent and the applicant's failure to adequately explain the circumstances of some offences led Members to be inclined to consider him an unsuitable person to be licensed.

Resolved: That the application for a Hackney Carriage Licence be refused on the grounds that the applicant was not a fit and proper person to be licensed.

(iii) Z.K (New Private Hire and Hackney Carriage Driver applicant)

Mr Marshall explained that the applicant had a list of convictions which included two for serious drug related offences and others for deception and some which had involved violence.

ZK was in attendance with a friend, DH and both made representations to the Sub-Committee. The applicant expressed regret for the offences he had committed and advised that he had been conviction free for a period of almost 14 years and had served his time in relation to each offence, which included a significant amount of custodial time.

The Sub-Committee acknowledged that the applicant had served his sentence in relation to offences he had committed. However, such was the serious nature and number of offences, ultimately members did not see sufficient cause to deviate from the Hackney Carriage policy and were unconvinced of the applicant's suitability to be licensed.

Resolved: That the application for a Hackney Carriage and Private Hire Vehicle Drivers Licence be refused on the grounds that the applicant was not a fit and proper person to be licensed.

(iv) Y.M (Existing Private Hire Driver)

Mr Marshall presented the Authority's case and explained the circumstances surrounding the applicant's single previous conviction and non-disclosure as part of three separate applications to be licensed.

Following The Sub-Committee's expression of concern at the nature and recency of the offence that had involved violence against a family member, YM explained that he felt the incident happened at a difficult time in his life and felt it should not have been a Police matter.

Members were apprehensive at the prospect of granting a licence based on the applicant's representations, which they felt did not go far enough to convince them to deviate from the Hackney Carriage Policy guidance on violent offences and those committed within a three year period prior to the application. Concerns that the applicant also did not declare the offence on three occasions were noted.

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Resolved:

1. To not prosecute for non-disclosure of offences on the application to be licensed.
2. That the application for a Private Hire Vehicle Licence be refused on the grounds that the applicant was not a fit and proper person to be licensed.

(v) P.U.C (Existing Hackney Carriage Driver)

The Sub-Committee was advised that the driver had three previous convictions, two of which were from over 30 years ago, though one was much more recent and had involved violence.

PUC explained that in relation to the most recent offence, he regretted the events and his part in them, though he explained that it had been a domestic incident in which he claimed he had merely chastised his own child following a disagreement.

Despite concerns about the unfortunate incident, the Sub-Committee were in agreement that the driver did not present a risk to the public and had demonstrated remorse and provided a satisfactory explanation of the most recent offence.

Resolved: To renew the Hackney Carriage Licence with the addition of a warning letter in relation to future conduct indicating that if the driver were brought before the Sub-Committee again, suspension or revocation would be the likely outcome.

Background papers: exempt

6 USE OF DELEGATION OF POWERS - SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

Following the Sub-Committees decision on 15 August 2017 to allow an amendment to the existing delegation of powers to permit the Head of Licensing following consultation with the Chairman/Vice-Chairman to take action where serious concerns were raised regarding the fitness of a driver to hold a Hackney Carriage or Private Hire Driver's Licence, members were advised of the decision taken on 28 September 2017 to revoke with immediate effect, the Hackney Carriage and Private Hire Vehicle driver's licence , in respect of the following case:

B.R (Existing Hackney Carriage and Private Hire driver)

The Sub-Committee noted that the decision was taken to revoke the licence due to the driver's admission that he had a substantial alcohol problem and both the Chairman and the Head of Licensing Service felt that if allowed to continue to operate, the driver presented a significant risk to the public.

The Sub-Committee was also informed of two other uses of delegated powers in the period since the agenda had been sent out and which Members were advised would be detailed in the report brought to the 7 November 2017 meeting.

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7 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 7 November 2017.

Chairman

(The meeting ended at 8.14 pm)

Any queries regarding these minutes, please contact:
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