

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 16 JANUARY 2018

Present:

Councillor Hutton (in the Chair)

Councillors

Hobson	Robertson BEM	Singleton
Hunter	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 DECEMBER 2017

The Sub-Committee considered the minutes of the meeting held on 12 December 2017.

Resolved:

That the minutes of the meeting held on 12 December 2017 be approved and 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 item 3 and 4 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 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of four applicants and two existing drivers who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

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Members discussed the applications and referrals as follows:

(i) D.J.L (New Private Hire applicant)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and presented the Authority's case. He reported that the applicant had two prior convictions for offences of a violent nature and had failed to declare one of those offences on his application.

The applicant expressed regret for his actions in relation to the offences and suggested that he had misread the relevant section of the application on the declaration of offences. He added that he had held employment in positions of responsibility and had dealt effectively with members of the public in those roles.

The Sub-Committee reasoned that the applicant had made some poor decisions in relation to the offences he had committed but acknowledged his level of remorse and desire to begin work as a licensed driver.

NOTE: Councillor Hobson requested that his decision to abstain from voting in relation to this particular case be noted.

Resolved:

1. To not prosecute for non-disclosure of offences on the application to be licensed.
2. That the application for a Private Hire Driver Licence be granted on the grounds with the addition of a severe warning letter in relation to his future conduct.

(ii) M.A.C (New Private Hire Vehicle Driver Applicant),

The Sub-Committee was advised that the applicant had indicated to the Licensing Service that he intended to attend the hearing and so agreed to hear the case in the his absence.

Mr Ratcliffe explained that MAC had previously had a submission rejected on the grounds that there had been reasonable suspicion he had cheated on the knowledge test as part of the application to be licensed. In addition, the applicant had failed his most recent attempt to pass the knowledge test.

The Sub-Committee considered the case and ultimately maintained their concern about the dishonest behaviour previously displayed by the applicant which was regarded as unsuitable conduct for a prospective licensed driver.

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

(iii) M.S.L (New Private Hire Vehicle Driver Applicant),

The Sub-Committee was informed that the applicant had numerous prior convictions for a wide range of offences over a relatively long time period. Some of those offences were of a violent nature whilst others were driving related or had involved dishonesty. In

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addition, the applicant had failed to declare many of those offences on his application form.

MSL advised the Sub-Committee that in relation to his pattern of offending, he had dealt with some difficult personal circumstances earlier in his life. He added that he was sure he had declared all of his convictions on the application form and expressed regret that some had not been listed in error.

The Sub-Committee agreed that the applicant's defence of his actions did not mitigate the seriousness and frequency of his offending behaviour and his conduct therefore fell short of the standards expected of a licensed driver.

Resolved:

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

(iv) S.W (Existing Hackney Carriage Driver),

Mr Ratcliffe advised Members that the driver had contacted the Licensing Service to indicate that he would be unable to attend due to a personal commitment.

Resolved: In the absence of the driver, the Sub-Committee agreed to defer consideration of the case until the 6 February 2018 meeting.

(v) V.S.B (Existing Hackney Carriage Driver)

Mr Ian Taylor, Public Protection Officer and Mr Shaun Louth, Team Leader, Layton Depot, advised the Sub-Committee that the driver's vehicle had been taken off the road following a routine stop. Upon inspection at the Central Vehicle Maintenance Unit, the vehicle was found to have a number of serious defects which made it unsuitable for the carriage of fare paying passengers. According to Mr Taylor and Mr Louth, some of the faults were significant and should have been identified during the course of routine maintenance checks carried out by the driver.

The driver suggested that all relevant remedial work had now been carried out but added that she had been on holiday for an extended period prior to the vehicle being inspected during which time she had not used the taxi.

The Sub-Committee were not satisfied by the driver's level of knowledge regarding maintenance and her apparent lack of regular checks on the vehicle's condition.

Resolved: To issue a severe warning letter in relation to future conduct indicating that if the driver were brought before the Sub-Committee again, suspension or revocation of the licence would be the likely outcome.

Background papers: exempt

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5 HACKNEY CARRIAGE VEHICLE LICENCES

The Sub-Committee considered whether three licence holders were fit and proper persons to hold Hackney Carriage Vehicle Licences, in respect of the following cases:

(i) F.P.L (Existing Hackney Carriage Vehicle Licence holder)

The daughter of the named licence holder was in attendance and made representations to the Sub-Committee. She suggested that in relation to serious defects found with the vehicle attached to the licence, she claimed that both her and her mother had issues with the driver of the vehicle previously with regards to regular maintenance checks and his responsibilities. FPL's daughter expressed regret for their part in allowing a vehicle to be presented for inspection in such a poor mechanical state.

Mr Ratcliffe reported that the licence holder had already been before the Sub-Committee on several occasions for operating vehicles which fell short of the expected standards for licensed vehicles. Despite the Sub-Committee agreeing to relax the conditions imposed on some of the vehicle licences held by FPL at its June 2017 meeting, the licence holder had once again presented a vehicle which fell significantly short of expected standards outlined in the Council's Exceptional Quality Policy.

Members considered the Exceptional Quality Policy which the Authority referred to when presenting its case. The Sub-Committee noted the willingness of the licence holder to work with the Authority and to seek additional help and advice from other experienced licence holders. However, Members reasoned that the licence holder had been given ample opportunity to improve the condition of the vehicles she operated and to ensure regular and comprehensive maintenance was carried out on them.

Resolved: To revoke the vehicle licence on the grounds that the holder was not a fit and proper person to hold such a licence as her conduct had fallen significantly short of expected standards.

(ii) R.P (Existing Hackney Carriage Vehicle Licence holder),

Mr Taylor explained that the licence holder was the owner of the vehicle operated by the driver VSB discussed at Item 3 of the agenda. The Sub-Committee was reminded of the routine inspection which had uncovered a number of serious defects on the vehicle RP held the licence for.

The licence holder explained that there had in fact been another driver assigned to the vehicle in question during the period that VSB had been on holiday, so the vehicle had been used regularly during this period.

Members were not shown any evidence of a maintenance schedule to alleviate their concerns and the licence holder seemed to lack knowledge of both the status of his vehicle and the working patterns of his drivers. The Sub-Committee were especially concerned at the attitude of the licence holder towards vehicle maintenance and by extension, the safety of passengers.

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Resolved: To revoke the vehicle licence on the grounds that the holder was not a fit and proper person to hold such a licence as his conduct had fallen significantly short of expected standards.

(iii) A.H.B (Existing Hackney Carriage Vehicle Licence holder)

The Sub-Committee was informed of the vehicle operated by the licence holder which, during the course of a routine inspection by the Local Authority enforcement team, had been found to have a number of serious mechanical defects, the majority of which should have been obvious upon a casual inspection.

The licence holder accepted his part for the standard of the vehicle as presented during the inspection. He suggested that his age and health were partly to blame for his lesser involvement with the vehicle's maintenance in recent months.

Members of the Sub-Committee were not satisfied with the reasons given by the licence holder for allowing a vehicle in his care to be presented in such poor condition and with limited supporting maintenance documentation.

Resolved: To revoke the vehicle licence on the grounds that the holder was not a fit and proper person to hold such a licence as his conduct had fallen significantly short of expected standards.

Background papers: exempt

6 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE CRIMINAL CONVICTIONS' POLICY

The Sub-Committee considered the proposed amendments to the Hackney Carriage/Private Hire Criminal Convictions Policy contained within the report.

Mrs Davies reminded Members that the Sub-Committee had previously authorised a period of consultation which ended on 3 January 2018 on the proposed changes and all of the responses received had been supportive of the proposed amendments. The rationale for the amendments was a suggestion from officers who noted a number of omissions, anomalies and areas where the existing criminal convictions section of the policy could be strengthened.

The Sub-Committee were minded to accept the changes given the responses received during the consultation period.

Resolved:

To recommend to the Executive that they adopt the proposed amendments to the Hackney Carriage/Private Hire Criminal Convictions Policy.

7 DATE OF NEXT MEETING

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To note the date of the next meeting as 6 February 2018.

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Chairman

(The meeting ended at 8.40 pm)

Any queries regarding these minutes, please contact:
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