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MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 9 AUGUST 2016

Present:

Councillor Hutton (in the Chair)

Councillors

Maycock	Robertson BEM	L Taylor
Mitchell	Singleton	

In Attendance:

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

1 DECLARATIONS OF INTEREST

There were no declarations of interests on this occasion.

2 MINUTES OF THE MEETING HELD ON 12 JULY 2016

Resolved:

That the minutes of the meeting held on 12 July 2016 be signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

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 decision referred to at Agenda item 3 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 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES

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

Members discussed the applications and referrals as follows:

- (i) SEB – Existing Hackney Carriage Driver

Mr Ryan Ratcliffe, Licensing Officer was in attendance to present the case on behalf of the Authority.

SEB was not in attendance.

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The Sub-Committee considered the driver's non-attendance and whether there had been a possibility he had not been given sufficient notice to attend.

Resolved:

To defer consideration of the case to the 6 September 2016 Sub-Committee meeting to allow the driver a further opportunity to attend.

(ii) SRB - Existing Hackney Carriage Driver

Mr Ratcliffe presented the case on behalf of the Authority.

SRB was in attendance along with a legal representative, Mr Cobain, and both made representations to the Sub-Committee.

The Sub-Committee was informed of an incident of overcharging uncovered as part of a routine test purchase operation involving Council officers. Members also noted four separate complaints that had been received in relation to other alleged instances of overcharging involving the same driver. Mrs Davies reminded the Sub-Committee that the criminal matter had been dealt with at the Magistrates Court and Members were requested to assess whether in light of the conviction, the driver remained a fit and proper person to be licensed.

Mr Cobain reported that the driver had admitted to the instance of overcharging but claimed that a fee had been agreed with the passengers that the driver thought would actually save them money given the amount of roadworks they might encounter during the course of the journey and the busy time of day they had chosen to travel. SRB also claimed that the four additional accusations of overcharging had been submitted by a fellow driver who held a personal grudge against him.

The Sub-Committee discussed the case and reasoned that the driver had been licensed without incident for a number of years. However, Members expressed concern that the driver had not used the taxi meter at the time of the incident and it was agreed that despite the relatively low amount overcharged in this instance, it represented an act of deception in accordance with the guidelines contained within section 13.1 of the Local Authority's 2016 Taxi Licensing Policy.

Resolved:

That the Hackney Carriage Driver's Licence be revoked on the grounds that the driver was no longer a fit and proper person to hold such a licence and given the nature of the offence, that the revocation be with immediate effect.

(iii) MMH- New Private Hire Driver Applicant

MMH was not in attendance and did not make any representations to the Sub-Committee. However, the driver had previously indicated to Mrs Davies that he was satisfied the case should be heard in his absence.

Mr Ratcliffe and Mr Luke Andrews, Licensing Officer, who was also in attendance, presented the case on behalf of the Authority.

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The Sub-Committee was informed of two separate incidents in which, the driver had been in breach of examination protocol during administration of the knowledge test. Mr Andrews advised Members that during the course of the test, MMH and another driver MAC, had been repeatedly warned about talking and had eventually been asked to leave and subsequently had their papers marked void.

The Sub-Committee expressed concern at the driver's apparent lack of discipline and inability to adhere to test conditions by repeatedly talking to another applicant.

Members agreed that whatever the reasons for the driver's decision to violate examination procedures, the test administration had been compromised as a result.

Resolved:

That the application for a Private Hire Vehicle Driver's Licence be refused on the grounds that the applicant was not a fit and proper person due to his conduct falling well below the standards expected of a licensed driver.

(iv) MAC - New Private Hire Driver Applicant

MAC was in attendance and made representations to the Sub-Committee.

Mr Ratcliffe and Mr Andrews presented the case on behalf of the Authority.

The Sub-Committee was informed of two separate incidents in which, the driver had been in breach of examination protocol during administration of the knowledge test. Mr Andrews advised Members that during the course of the test, MAC and another driver MMH, had been repeatedly warned about talking and had eventually been asked to leave and subsequently had their papers marked void.

MAC claimed that he did not know the other driver well and that the only reason he had talked during the knowledge tests was to advise the other driver of the rules and tell him to stop talking. Members were not satisfied that this had been the case and reasoned that the driver could have taken reasonable steps to avoid being drawn into conversation with the other applicant.

The Sub-Committee agreed that perhaps it had been the other applicant who had initiated a conversation which violated test conditions. However, Members expressed concern at the applicant's apparent lack of discipline in failing to adhere to test conditions by repeatedly talking to the other applicant.

Members agreed that whatever the reasons for the driver's decision to violate examination procedures, the test administration had been compromised as a result.

Resolved:

That the application for a Private Hire Vehicle Driver's Licence be refused on the grounds that the applicant was not a fit and proper person due to his conduct falling well below the standards expected of a licensed driver.

(v) AE - New Hackney Carriage and Private Hire Driver Applicant

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AE was in attendance and made representations to the Sub-Committee.

Mr Ratcliffe presented the case on behalf of the Authority.

The Sub-Committee was informed that the applicant had failed the driving standards test administered by the Council's approved instructor. All prospective taxi drivers were required to pass the test and in this case, the applicant had received three major faults related to poor judgement whilst driving.

AE claimed that she was a careful driver and would not knowingly endanger the public with her driving.

When Members questioned the applicant on aspects of the Highway Code, the answers provided were not regarded as satisfactory. The Sub-Committee therefore reasoned that the applicant had demonstrated a combination of poor judgement, inexperience whilst driving and a number of basic errors that meant she had failed to meet the required standards expected of a licensed driver.

Resolved:

That the application for a Hackney Carriage and Private Hire Vehicle Driver's Licence be refused on the grounds that the applicant was not a fit and proper person due to the standard of her driving being far below that expected of a licensed driver.

5 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 6 September 2016.

Chairman

(The meeting ended at 7.37 pm)

Any queries regarding these minutes, please contact:
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