

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 20 JUNE 2017

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Robertson BEM	Singleton
Humphreys	M Scott	L Williams

In Attendance:

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

1 DECLARATIONS OF INTEREST

Councillor Collett explained that he knew the Horse Drawn Hackney Carriage driver D.S in a personal capacity and would feel uncomfortable discussing his case.

Councillor Collett therefore left before consideration of D.S's case and took no part in the subsequent discussion.

2 MINUTES OF THE LAST MEETING HELD ON 24 MAY 2017

Resolved:

That the minutes of the meeting held on 24 May 2017 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 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 LICENCE

The Sub-Committee was informed of a number of Hackney Carriage and Private Hire Vehicle Driver Licence applicants and referrals who 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) AJM (New Private Hire Driver Applicant)

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

Mr Luke Andrews, Licensing Officer, who was in attendance presented the case on behalf of the Local Authority. Members were informed of a number of historic convictions, one

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 20 JUNE 2017

of which was of a particularly serious nature. In addition, The Sub-Committee noted that a licence would not normally be granted where the applicant had a conviction for this type of offence and where the date of the conviction was less than ten years prior to the date of application.

The applicant advised the Sub-Committee that in relation to the most serious offence, he and his family had received serious threats of a personal nature, which had led him to act in a manner he considered to be out of character. With regards to the other offences, the applicant advised that a number of domestic disputes had gotten out of hand and he expressed regret and remorse for his actions. AJM added that he had been a member of both the emergency services and the armed forces and had held various positions of importance throughout his career without incident. He accepted that on those occasions he had acted in a reckless manner and accepted full responsibility for the offences.

The Sub-Committee expressed concerns at the nature of the offences committed by the applicant and the poor choices he had made on a number of occasions. However, on balance, Members reasoned that there were exceptional mitigating circumstances that had led to the most serious offence and considered that this was sufficient reason to depart from relevant guidance contained within the Hackney Carriage Policy.

Resolved:

To grant the application for a Private Hire Vehicle Driver's Licence.

(ii) AWG (New Private Hire Driver Applicant)

Mr Andrews advised Members that the applicant had a number of previous convictions for motoring offences that in Mr Andrews opinion, demonstrated a propensity for poor driving.

The driver, who was in attendance, explained that having come to the UK from abroad, he initially struggled with the highway-code and understanding what constituted a motoring offence on British roads. He added that he no longer had any penalty points on his driver's licence and that his last motoring offence had occurred almost six years previously. The applicant described recently becoming a father and expressed a desire to maintain regular employment. In addition, he expressed regret at his previous convictions for motoring offences and accepted responsibility for them.

The Sub-Committee accepted that whilst there were a number of previous convictions for similar motoring offences, the applicant gave a satisfactory explanation and demonstrated remorse. He had also kept a clean licence for several years and had not been convicted of any more recent offences.

Resolved:

To grant the application for a Private Hire Vehicle Driver's Licence.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 20 JUNE 2017

(iii) TJM (New Private Hire and Hackney Carriage Driver Applicant)

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

Mr Andrews advised Members that the applicant had two previous convictions, one of which had involved dishonesty. Three years had not transpired since the most recent offence and the applicant had also failed to disclose one of those convictions on the application to be licensed.

The Sub-Committee were extremely concerned at both the nature and recency of the applicant's convictions, and his failure to fully disclose details about previous offences.

Resolved:

1. To not prosecute the driver for non-disclosure of the offences on his application to be licensed.
2. That the application for a Private Hire and Hackney Carriage Vehicle Driver's Licence be refused on the grounds that the applicant was not a fit and proper person to hold such a licence, given the nature and recency of his convictions and for non-disclosure of offences.

NOTE: Councillor Collett left the meeting prior to consideration of DS' case and took no part in the subsequent discussions.

(iv) DS (Existing Horse Drawn Hackney Carriage Driver)

The driver was in attendance with a close friend. The complainant was also in attendance with her daughter and all made representations to the Sub-Committee.

Mr Mark Marshall, Licensing/Health and Safety Enforcement Manager and Mr Dave Verity, Public Protection Officer, who were in attendance, presented the case on behalf of the Authority.

The complainant described that prior to the incident in which she claimed to have been verbally abused by the driver, she had observed DS in the charge of a horse in a condition unfit for the carriage of fare paying passengers. She admitted that she had possibly inflamed the situation prior to being confronted by the driver by posting non-specific but suggestive information about the horse's condition on social media.

The driver admitted to his part of the incident that had involved the verbal abuse of the complainant and accepted responsibility. However, he suggested his actions were in response to what he claimed to be false accusations regarding the condition of a horse in his charge. He added that doubts about his reputation and character as a licensed driver that had resulted from the accusation had been particularly difficult to deal with.

The Sub-Committee expressed concerns about the drivers conduct and decision to verbally abuse the complainant in close proximity to members of the public at the time of the incident. However, given the unproven accusations regarding the horses' condition offered by the complainant and the lack of any supporting evidence to suggest mistreatment of an animal in the drivers care, Members were minded to take less severe action.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 20 JUNE 2017

Resolved:

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

Background papers: exempt

5 HOUSE TO HOUSE COLLECTIONS

The Sub-Committee considered an application for a house to house collection licence on behalf of Claire House Hospice in Manchester. Mrs Davies advised that this could not be granted administratively as the charity had requested a licence for a period of 12 months.

The Sub-Committee discussed the application and agreed that it was not exceptional in any way and therefore decided to issue the licence as per the standard guidelines recommended by the Licensing Service.

Resolved:

To grant a house to house collection licence on behalf of Claire House Hospice for two separate periods of two weeks to be used within a 12 month period from the date of the meeting.

6 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 18 July 2017.

Chairman

(The meeting ended at 7.25 pm)

Any queries regarding these minutes, please contact:
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