

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 15 AUGUST
2017**

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Humphreys	Mrs Scott
Hobson	Robertson BEM	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 interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 18 JULY 2017

Resolved: That the minutes of the meeting held on 18 July 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 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 a Hackney Carriage applicant and an existing Hackney Carriage and Private Hire Vehicle driver who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application and referral as follows:

- (i) M.K (New Hackney Carriage Applicant)

Mr Luke Andrews, Licensing Officer presented the Authority's case. He advised that MK had previously appeared before the Sub -Committee on 23 February 2016, following his arrest for drink driving. On this occasion, the Sub-Committee decided to revoke MK's Private Hire Vehicle Driver's licence.

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Notwithstanding the return of MK's drivers licence, Mr Andrews suggested that the situation remained virtually unchanged and he reiterated the Licensing Service's concerns that MK had been significantly over the legal blood-alcohol limit at the time of the incident.

The driver admitted he had made a mistake but added that he had been dealing with a difficult family issue at the time of the incident and he had only taken the decision to drive following several hours of sleep and after a period of time had elapsed that he felt was sufficient to allow any alcohol to leave his system.

The Sub-Committee expressed serious concerns at the drivers conduct and the fact that he had driven whilst significantly intoxicated. In addition, the amount of time that had elapsed since the return of MK's private driver's licence was much less than the three years recommended before consideration by the Sub-Committee as outlined in the Hackney Carriage Licensing Policy.

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.

(ii) T.R (Existing Hackney Carriage and Private Hire Driver)

Mr Ian Taylor, Public Protection Officer was in attendance and presented the case on behalf of the Authority. Members of the Sub-Committee were informed of a serious tyre defect found on the vehicle operated by TR.

TR was in attendance and explained to the Sub-Committee that he had failed in his inspection and maintenance regime with the licensed vehicle he operated. He added that he believed a fault with the vehicles tracking that had not been picked up by a mechanic during a routine inspection had led to uneven tyre wear observed by Mr Taylor.

The Sub-Committee appreciated that the driver accepted responsibility for the vehicle defect and expressed a desire to operate a more thorough inspection regime in the future. However, the fault was serious enough that Members reasoned that most drivers would have noticed the defective tyre before it had deteriorated to such a degree.

Resolved: That no action be taken save the Hackney Carriage and Private Hire driver be issued with a warning letter advising that in the event of future concerns the licence may be suspended or revoked.

Background papers: exempt

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5 HACKNEY CARRIAGE VEHICLE LICENCES

The Sub-Committee considered two Hackney Carriage Vehicle Licenses.

(i) JWB - Vehicle Licence holder

Mr Taylor advised that JWB was the owner of the vehicle with the defective tyre operated by the driver TR that members had previously considered at Item 3 on the agenda.

JWB who was in attendance, accepted his responsibility for failings with the vehicle's maintenance regime. He added that he had been unaware of his responsibilities and had assumed that the driver had full responsibility for all vehicle inspection and maintenance. He offered to take a much more active role in the future and liaise regularly with the driver to ensure that the vehicle continued to be fit for the carriage of fare paying passengers.

The Sub-Committee considered the representations made by the licence holder and his acceptance of culpability. Members expressed serious concerns about the lack of knowledge of responsibility displayed by JWB and his willingness to allow the driver to have control of all maintenance issues.

Resolved:

1. That the following conditions be added to the licence:
 - The vehicle licence holder or a suitably qualified taxi mechanic must inspect the vehicle on a weekly basis
 - The vehicle to be serviced every 5000 miles
 - Records of all servicing to be retained by the vehicle licence holder for 2 years
 - Those records to be legible
 - Those records to be produced to Enforcement or Police officers within 24 hours of such a demand being made
 - A record to be kept of all inspections carried out by the vehicle licence holder and those inspections to be carried out at least weekly
 - The vehicle licence holder to retain all records of pit-tests for 2 years.

2. To issue the vehicle licence holder with a serious warning letter in relation to his conduct advising that in the event of future concerns the licence may be suspended or revoked.

(ii) FPL - Vehicle Licence holder

FPL was not in attendance. However, FPL's daughter JJ was in attendance and advised that she had been authorised to make representations to the Sub-Committee on her mother's behalf. JJ explained that she wished to have condition one on the vehicle licence amended to stipulate that the vehicle maintenance checks be carried out fortnightly instead of weekly. JJ added that she had been in full compliance with all conditions imposed on her vehicle licences so far.

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The Sub-Committee considered the request. However, Members were not satisfied that the current conditions went far enough to ensure adequate regular vehicle maintenance would be carried out given that within the report it appeared that despite the conditions, a number of vehicles licensed to FPL were still failing pit tests.

Resolved:

1. To amend condition one on the vehicle licences to read:
'A suitably qualified taxi mechanic must inspect the vehicle on a fortnightly basis and the vehicle licence holder to carry out weekly vehicle inspections.'
2. To only consider requests to amend or remove conditions attached to the vehicle licence after a minimum period of six months had elapsed during which time a first time pass rate of 80% would be expected during all vehicle pit tests.

Background papers: exempt

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

The Sub-Committee considered the report, in particular section 5.8, which outlined the proposal to amend 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.

It was reported that following consultation with the Chairman or Vice-Chairman of the Public Protection Sub-Committee, the Licensing Enforcement and Health and Safety Manager would consider which of the following three courses of action would be necessary and proportionate:

- i) That the issue would be serious enough to require the revocation of the licence with immediate effect.
- ii) That while there may be considered a case to answer, the issue may not be urgent and could therefore be referred for consideration by the next meeting of the Public Protection Sub-Committee or a special meeting of that Sub-Committee.
- iii) That no action be taken at present, though this would not preclude further investigation of the issue.

Where the Licensing Enforcement and Health and Safety Manager acts to revoke a licence, they would bring a report to the next Public Protection Sub-Committee. It was also reported that if approved, a review of the use of the delegation would take place in 12 months' time.

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Resolved:

1. To approve the amendment to the delegation of powers as outlined in Section 5.8.
2. Where the Licensing Enforcement and Health and Safety Manager acts to revoke a licence, they will bring a report to the next Public Protection Sub-Committee.
3. A review of the use of the delegation to take place after 12 month's operation.

7 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 12 September 2017.

Chairman

(The meeting ended at 7.49 pm)

Any queries regarding these minutes, please contact:
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