

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 DECEMBER
2017**

Present:

Councillor Hutton (in the Chair)

Councillors

Collett

Humphreys

D Scott

Mrs Scott

In Attendance:

Mrs Sharon Davies, Head of Licensing Service

Mr Chris Williams, Democratic Services Adviser

Apologies:

Apologies for absence were received from Councillor Singleton who was elsewhere on Council business.

1 DECLARATIONS OF INTEREST

During consideration of the case of Hackney Carriage applicant S.R, Councillor Scott became aware that he knew the applicant as he had worked with him in a professional capacity and therefore declared a prejudicial interest.

Councillor Scott left the meeting for the remainder of the case and took no part in the discussion and subsequent vote.

2 MINUTES OF THE LAST MEETING HELD ON 7 NOVEMBER 2017

The Sub-Committee considered the minutes of the meeting held on 7 November 2017.

Resolved:

That the minutes of the meeting held on 7 November 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 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.

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4 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

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

Members discussed the applications as follows:

(i) G.L (New Private Hire applicant)

Mr Luke Andrews, Licensing Officer, was in attendance and presented the Authority's case. He advised that the applicant had a significant number of previous convictions for a wide range of offences from theft and dishonesty to violence which had occurred over a period of decades. In addition, only a single offence had been declared on the application to be licensed.

G.L was in attendance and made representations to the Sub-Committee. He acknowledged and accepted he had made poor choices earlier in his life and explained he had committed many of the offences whilst intoxicated as he was an alcoholic for many years. In relation to not declaring some of his convictions, he advised that he had made a mistake and wanted to put his past behind him. He further suggested that he had received an offer of work from a local taxi operator and highlighted that he had not been convicted of an offence since 1992.

Members discussed the case and had a number of reservations about the frequency, total number and nature of the applicant's offences. In addition, some Members felt that the lack of a detailed explanation regarding non-declaration on the application was of concern. However, the applicant had also demonstrated remorse and appeared to have made a number of positive lifestyle choices that had resulted in no further offending behaviour in over two decades.

Resolved:

1. To not prosecute for non-disclosure of offences on the application to be licensed.
2. To grant the Private Hire Vehicle Driver's Licence with the addition of a severe 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.

NOTE: MOTION MOVED, SECONDED, VOTED UPON AND LOST

During consideration of the above item, the following motion was moved, seconded, voted upon and lost:

'That the application for a Private Hire Vehicle Driver licence be refused on the grounds that the applicant was not a fit and proper person to be licensed.'

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(ii) S.R.P (New Hackney Carriage applicant)

The applicant was in attendance and described the incident which had resulted in him being called before the Sub-Committee. Despite being charged with battery and dismissed from his employment as a result, S.R.P claimed that whilst unfortunate, the incident had occurred during the course of his normal duties. He added that the fact he knew the victim was purely coincidental and he did not report the incident at the time as he felt it did not merit police action.

Mr Andrews reminded the Sub-Committee of the policy regarding the amount of time elapsed since an applicant's last offence.

Members were concerned about the nature of the offence the circumstances surrounding the incident. In addition, the applicant appeared to make several poor choices that possibly made the situation worse. Ultimately, the Sub-Committee did not see any exceptional circumstances that would cause them to deviate from the policy guidelines on this occasion.

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) S.R (New Private Hire applicant)

Mr Andrews presented the Authority's case. It was reported that the applicant had served a considerable custodial sentence for his part in a serious historical drug offence.

The applicant described the offence and suggested that he was relatively young at the time and along with his parents who were also involved, had made some poor decisions which he seriously regretted and displayed remorse. He added that in his opinion, he had changed his life significantly and circulated a number of documents that purported to evidence the applicant's professional career and work in support of charities.

The Sub-Committee considered the case and expressed concerns at the nature of the applicant's offence and his subsequent period of imprisonment. However, it was agreed that a significant period of time had elapsed since the incident and the applicant displayed remorse. In addition, S.R had evidenced a successful career following his release from custody and had been involved in helping the community.

Resolved:

To grant the Private Hire Vehicle Licence with the addition of a warning letter in relation to future conduct indicating that if the applicant were brought before the Sub-Committee again, suspension or revocation would be the likely outcome.

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NOTE: During consideration of the case of Hackney Carriage applicant S.R, Councillor Scott became aware that he knew the applicant as he had worked with him in a professional capacity and therefore declared a prejudicial interest. He left the meeting for the remainder of the case and took no part in the determination and subsequent vote.

(iv) S.R.S (New Hackney Carriage applicant)

Mr Andrews informed Members that the applicant had a number of historical convictions for motoring offences including one for dishonesty and another for drink driving. In addition, the applicant had failed to declare some of those offences on the application to be licensed.

The applicant explained that the offences had been from many years ago and he expressed regret for his actions. He also informed the Sub-Committee that he had held a number of employment positions including driving jobs since those convictions. He added that he felt the non-declaration was an honest mistake.

During subsequent discussions, the Sub-Committee voiced concerns about the nature of the offences and the non-declaration on the application to be licensed. However, given the significant amount of time since the offences and the applicant's demonstration of remorse, Members were inclined to grant the licence with the subject to the inclusion of a warning letter.

Resolved:

1. To not prosecute for non-disclosure of offences on the application to be licensed.
2. To grant the Hackney Carriage Licence with the addition of a severe warning letter in relation to future conduct indicating that if the applicant were brought before the Sub-Committee again, suspension or revocation would be the likely outcome.

Background papers: exempt

5 DATE OF NEXT MEETING

To note the date of the next meeting as 16 January 2018.

Chairman

(The meeting ended at 7.30 pm)

Any queries regarding these minutes, please contact:
Chris Williams Democratic Governance Adviser
Tel: (01253) 477153
E-mail: chris.williams@blackpool.gov.uk