

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 16 JUNE 2015

### Present:

Councillor Hutton (in the Chair)

Councillors

Cox	Mitchell	Singleton
Humphreys	Robertson BEM	

### In Attendance:

Sharon Davies, Head of Licensing Service

Bernadette Jarvis, Democratic Governance Senior Adviser

Keith Marsden, Public Protection Officer

Mark Marshall, Licensing Health and Safety Enforcement Manager

Ryan Ratcliffe, Licensing Officer

Dave Verity, Public Protection Officer

Chris Williams, Democratic Services Adviser

### Apologies:

Councillors

### 1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

### 2 MINUTES OF THE MEETING HELD ON 7TH APRIL 2015

**Resolved:** That the minutes of the meeting held on 7<sup>th</sup> April 2015 be signed by the Chairman as a correct record.

### 3 APPLICATION TO LICENSE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE

The Sub-Committee considered an application to licence a modified Horse-Drawn Hackney Carriage. During consideration of the application, Members conducted a visual inspection of the Carriage.

Mr Ratcliffe, Licensing Officer, informed the Sub-Committee that the Carriage had been inspected by the Council's Carriage Inspector and he had confirmed that it had met the required standard.

Ms Sanderson, the applicant, was in attendance at the meeting and spoke in support of the application.

**Resolved:** That the application to licence a modified Horse-Drawn Hackney Carriage be granted.

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### 4 APPLICATION TO LICENSE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE.

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Mr Ratcliffe, Licensing Officer, informed the Sub-Committee that the Carriage had been inspected by the Council's Carriage Inspector and he had confirmed that it had met the required standard.

Mrs Nicholls, on behalf of the applicant was in attendance at the meeting and spoke in support of the application.

**Resolved:** That the application to licence a modified Horse-Drawn Hackney Carriage be granted.

### 5 HORSE-DRAWN HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of two new applications for a Horse-Drawn Hackney Carriage Driver's Licence and an existing Horse-Drawn Hackney Carriage driver 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) TB – New application for a Horse-Drawn Hackney Carriage Driver's Licence

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

TB was in attendance at the meeting accompanied by a friend and made representations to the Sub-Committee.

The Sub-Committee noted the nature of the applicant's conviction and that it had occurred approximately 12 months ago. Members also noted that the applicant had failed to declare the conviction on his application form.

The Sub-Committee considered the representations made by the applicant and his friend relating to the circumstances that had led to the conviction and the reasons given for his failure to declare the conviction on the application form.

Members expressed serious concerns regarding both the nature of the conviction and the relatively short length of time that had elapsed since the conviction. The Sub-Committee, although not satisfied at the explanation given for the failure to declare the conviction, agreed that on this occasion it would not be appropriate to take further action in relation to this.

**Resolved:**

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- (1) To not prosecute for failure to declare the conviction.
- (2) That the application for a Horse-Drawn Hackney Carriage driver's licence be refused on the grounds that he was not a fit and proper person due to his previous conviction and failure to declare the conviction on the application form.

### (ii) JS – New application for a Horse-Drawn Hackney Carriage Driver's Licence

Mr Ratcliffe presented the case on behalf of the Authority.

JS was in attendance at the meeting and made representations to the Sub-Committee.

The Sub-Committee considered the representations made by the applicant in relation to the circumstances surrounding the convictions.

The Sub-Committee noted that two of the convictions had occurred many years ago and did not consider that the nature of the recent convictions would result in her being deemed not a fit and proper person to hold a Horse-Drawn Hackney Carriage driver's licence.

Resolved: That the application for a Horse-Drawn Hackney Carriage driver's licence be granted.

### (iii) MJL – Existing Horse-Drawn Hackney Carriage Driver

Mr Marshall, Licensing Health and Safety Enforcement Manager, and Mr Verity, Public Protection Officer, who were in attendance during consideration of this case presented it on behalf of the Authority. Mr Ratcliffe, Licensing Officer, was also in attendance.

The Sub-Committee was informed that a letter had been sent to the driver informing him of the hearing but no response had been received to date. The Sub-Committee initially agreed to start to consider the case in the driver's absence.

The Sub-Committee was informed of the serious defects to the Horse-Drawn Hackney Carriage that had resulted in an immediate prohibition notice being issued as it had been deemed unfit to be on the road. Photographs showing the condition of the vehicle were circulated to Members. The Sub-Committee noted the officer's report that comments that had been made by the driver stating that no action had been taken by the owner following the driver reporting the problems with the Carriage to him.

During consideration of the case, Members expressed concerns at the serious defects on the Carriage that would have been clearly visible to the driver and the risks to public safety from the defects. The Sub-Committee was also concerned at the apparent lack of responsibility taken by the driver for the safety of the Carriage and its passengers. Due to the seriousness of the defects and the fact that the Sub-Committee was considering suspension of his licence Members agreed to defer consideration of the case to the next meeting to offer the driver a further opportunity to attend.

**Resolved:** To defer consideration of the case to its next meeting on 21<sup>st</sup> July 2015 to allow the driver a further opportunity to attend.

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Background papers: Exempt

### 6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of a new application for a Hackney Carriage driver's licence, a new application for a Private Hire vehicle driver's licence and two new applications for a Hackney Carriage and Private Hire vehicle driver's licence that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration. The Sub-Committee was also informed of an existing Hackney Carriage driver and two existing Hackney Carriage and Private Hire vehicle drivers 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) SB – New application for a Hackney Carriage driver's licence

Mr Ratcliffe, Licensing Officer presented the case on behalf of the Authority.

SB was in attendance at the meeting and made representations to the Sub-Committee.

The Sub-Committee noted that the driver had previously held a licence but that this had been revoked the previous year due to a number of driving offences that had resulted in a disqualification from driving. Members considered the driver's representations relating to the impact that his inability to work had had on him and his family and his personal circumstances at the time of the incident.

The Sub-Committee expressed serious concerns at the nature of the offences and the relatively short time that had elapsed since the Driver and Vehicle Licensing Agency (DVLA) had reinstated his driving licence.

**Resolved:** That the application for a Hackney Carriage driver's licence be refused on the grounds that he was not a fit and proper person due to the number and nature of his previous driving offences.

(ii) ASW – Existing Hackney Carriage driver

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

ASW was in attendance at the meeting and made representations to the Sub-Committee.

The Sub-Committee noted that the driver had declared two convictions on his recent application for renewal of his Hackney Carriage driver's licence, one of which related to a driving offence. Members were also informed of a further declaration on the application form relating to a pending traffic offence for which the outcome was unknown at the time of writing the report. In response to questions, the applicant confirmed that this offence had recently been determined and had resulted in further points being added to his driving licence.

The Sub-Committee considered the representations made by the driver relating to the circumstances surrounding the convictions.

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The Sub-Committee carefully considered the representations made by both parties and expressed serious concerns regarding the applicant's previous driving record and the number and nature of his previous convictions.

**Resolved:** That the application for renewal of a Hackney Carriage driver's licence be refused on the grounds that he was not a fit and proper person due to the number and nature of his previous convictions.

### (iii) JLH – New application for a Private Hire vehicle driver's licence

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

JLH was in attendance at the meeting, accompanied by his father, and made representations to the Sub-Committee.

The Sub-Committee noted that the applicant had received a large number of criminal convictions in a relatively short space of time, some of which were violence related offences. The Sub-Committee considered the representations made by the applicant regarding the circumstances surrounding the incidents and the change in his personal circumstances.

The Sub-Committee expressed concern at the number and seriousness of the offences committed.

**Resolved:** That the application for a Private Hire vehicle driver's licence be refused on the grounds that he was not a fit and proper person due to his previous convictions.

### (iv) MAP - New application for a Hackney Carriage and Private Hire vehicle driver's licence

Mr Ratcliffe presented the case on behalf of the Authority.

MAP was in attendance at the meeting and made representations to the Sub-Committee.

An amended copy of the applicant's statement was circulated to the Sub-Committee as the original statement that had been attached to the agenda was incomplete. The Sub-Committee noted that it had previously revoked the applicant's licences due to the applicant's arrest following an allegation of a serious incident. It also noted that subsequently the police had agreed to take no further action in relation to the incident. The Sub-Committee also agreed to consider additional information in the form of a police report on the alleged incident.

The Sub-Committee considered the representations made by the applicant in relation to the circumstances surrounding the alleged incident and his responses to the information in the witness statement that had been included within the papers.

The Sub-Committee also noted that the applicant had failed to declare a previous conviction on his application form.

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The Sub-Committee, after considering all the evidence available to it, expressed serious concerns regarding the previous conduct of the applicant.

### **Resolved:**

1. To not prosecute for failure to declare a previous police caution.
2. That the application for a Hackney Carriage and Private Hire vehicle driver's licence be refused on the grounds that he was not a fit and proper person due to his previous conduct being significantly below the standards expected of a licensed driver.

### (v) FT – New application for a Hackney Carriage and Private Hire vehicle driver's licence

Mr Ratcliffe presented the case on behalf of the Authority.

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

The Sub-Committee noted that the applicant had previously had his Hackney Carriage and Private Hire vehicle driver's licence revoked following an arrest for an alleged serious assault. The Sub-Committee also noted that a recent Disclosure and Barring Service check that had been received by the Licensing Service in relation to the applicant showed no recorded convictions, cautions, warnings or reprimands.

The Sub-Committee considered the representations made by the applicant relating to the incident that had led to the arrest.

Notwithstanding the applicant's lack of a criminal record, the Sub-Committee, after considering all the information before it, expressed serious concerns regarding his previous conduct.

**Resolved:** That the application for a Hackney Carriage and Private Hire vehicle driver's licence be refused on the grounds that he was not a fit and proper person due to his previous conduct being significantly below the standards expected of a licensed driver.

### (vi) LPB – existing Hackney Carriage and Private Hire driver

Mr Marshall, Licensing Health and Safety Enforcement Manager was in attendance during consideration of this case and presented it on behalf of the Authority. Mr Marsden, Public Protection Officer, was also in attendance during consideration of this case.

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

The Sub-Committee was presented with CCTV footage of three incidents involving the driver that had recently occurred. Members also considered the representations made by the driver regarding the circumstances surrounding the incidents and the driver's personal situation at the time that the incidents had occurred.

The Sub-Committee carefully considered all the evidence before it and expressed concerns at the behaviour of the driver during the incidents whilst at the same time noting the representations made regarding his personal situation at the time. Members

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also noted that there had been no complaints regarding his ability to be a licensed driver.

**Resolved:** That a severe warning letter be issued regarding future conduct.

**NOTE:** Councillor Singleton requested that her vote against the motion to issue a severe warning letter be recorded.

(vii) WB – Existing Hackney Carriage and Private Hire driver

Mr Ratcliffe presented the case on behalf of the Authority.

WB was in attendance at the meeting and made representations to the Sub-Committee.

The Sub-Committee noted that the driver had previously been issued with a warning letter by this Sub-Committee in relation to future conduct. The Sub-Committee also noted a recent police caution that had been received by the driver.

The Sub-Committee considered the representations made by the driver and the information provided by the driver's solicitor in relation to the incident that had led to the police caution. Members also noted that the driver had brought the matter of the police caution to the attention of the Licensing Service.

**Resolved:** That, in view of the previous police cautions, a severe warning letter be issued regarding future conduct.

Background papers: Exempt

### 7 REVIEW OF EXISTING HACKNEY CARRIAGE PROPRIETOR'S LICENCE

The Sub-Committee was informed of an existing Horse-Drawn Hackney Carriage Proprietor that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Mr Marshall was in attendance during consideration of this case and presented it on behalf of the Authority. Mr Verity, Public Protection Officer was also in attendance and provided information to the Sub-Committee.

Mr Ratcliffe advised the Sub-Committee that the proprietor, NP, had contacted the Licensing Service stating that he would be unable to attend the meeting. He advised that NP had not requested that the hearing be deferred.

The Sub-Committee considered representations made by Mr Marshall and Mr Verity on the serious defects with the proprietor's Carriage that had resulted in an immediate prohibition notice being issued as it had been deemed unfit to be on the road. Photographs showing the condition of the vehicle were circulated to Members.

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The Sub-Committee noted that the proprietor had indicated that he intended to transfer the Licence to a second Horse-Drawn Carriage that he owned and that on inspection it had appeared that the proposed replacement Carriage was in a good condition.

During consideration of the case, Members expressed concerns at the serious defects on the Carriage and the risks to public safety from the defects.

### **Resolved:**

1. To consider the case in the Proprietor's absence as he had indicated that he would not be attending the meeting and had not requested that the hearing be deferred.
2. That the Horse-Drawn Hackney Carriage Proprietor's Licence be suspended for a period of six weeks on the grounds that that he allowed a Hackney Carriage owned by him to be used in a condition that presented a serious risk to public safety.

### **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 Horse-Drawn Hackney Carriage Proprietor's Licence be revoked.'

**NOTE:** Councillor Singleton requested that her vote against the motion to suspend the Horse-Drawn Hackney Carriage Licence for a period of six weeks be recorded.

Background papers: Exempt

## **8 DONKEY DRIVERS LICENCES**

The Sub-Committee was informed of an application for a Donkey Driver's Licence that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Mr Ratcliffe presented the case on behalf of the Authority.

JJTH was in attendance at the meeting and made representations to the Sub-Committee.

The Sub-Committee noted that the applicant had previously been licensed as a donkey driver for a period of three years, during which time his record had been exemplary. Members also noted that since he had last been licensed he had received a police caution. The Sub-Committee considered representations made by the applicant relating to the circumstances that had led to the caution.

The Sub-Committee expressed concerns regarding the nature of the offence for which he had been cautioned but at the same time acknowledged his prior good conduct.

**Resolved:** That the application for a Donkey Driver's licence be granted, subject to a



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warning letter being issued relating to future conduct.

Background papers: Exempt

### **9 DATE OF NEXT MEETING**

Members noted the date of the next meeting as Tuesday 21<sup>st</sup> July 2015.

### **Chairman**

(The meeting ended 3.58 pm)

Any queries regarding these minutes, please contact:  
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