

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 24
NOVEMBER 2015**

Present:

Councillor Hutton (in the Chair)

Councillors

Maycock

Mitchell

Ryan

Singleton

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager

Sharon Davies, Head of Licensing Service

Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 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 4 and 5 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.

3 MINUTES OF THE LAST MEETING HELD ON 27TH OCTOBER 2015

Resolved: That the minutes of the meeting held on 27th October 2015 be signed by the Chairman as a correct record.

4 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES

The Sub-Committee was informed of four new applications and five 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) CB – Existing Private Hire Vehicle Drivers Licence

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

CB was in attendance and provided representations to the Sub-Committee.

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Members were advised that the case had been deferred from the previous meeting to allow the driver an additional opportunity to appear before the Sub-Committee. He had been unable to attend the previous meeting to make representations due to a family commitment.

Mr Marshall explained that CB had been involved in a dispute with a female passenger and her son, who it was alleged, had damaged CB's vehicle. The situation had been aggravated by subsequent disagreements on social media and within the workplace at various meetings between the driver and Company Directors.

The driver explained his behaviour following the incident had been misjudged and he expressed regret for those actions. However, he added that, in his opinion, he had become a scapegoat and the subject of a personal vendetta.

The Sub-Committee considered the reactions of the driver in relation to the alleged incident and expressed concern at some of the behaviour he exhibited subsequently especially towards the complainant. However, Members were also concerned about disciplinary arrangements employed by the firm following the incident. Members agreed that CB's record as a licensed driver and the consistent version of events he had provided had removed any doubt that he presented a risk to members of the public.

Resolved:

That the driver be issued with a warning letter in relation to future conduct indicating that in the event of a further incident, the licence be revoked or suspended.

(ii) DC – Existing Hackney Carriage Driver

NOTE: Councillor Maycock arrived before consideration of the case and was involved in all subsequent discussions.

Mr Marshall presented the case on behalf of the Authority.

The Sub-Committee had previously hear details of the case but it had since been established that the driver, AN, had not been driving the vehicle at the time of the incident and therefore no further action would be taken against him. Members were advised that DC had since been confirmed as the driver at the time of the alleged incident.

DC was in attendance and provided representations to the Sub-Committee.

The Sub-Committee was advised that the case had previously been deferred in order to confirm the identity of the driver at the time of the alleged incident.

Mr Marshall advised that the driver had violated a traffic control order and ignored road closure signage designed to ensure the safety of the public.

The Driver expressed regret about entering the controlled zone to drop off a fare paying passenger but added that he had exercised his own judgement at the time.

Members of the Sub-Committee noted DC's extensive experience as a licensed driver, the

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fact that at no time had he been aggressive or abusive and he had also demonstrated remorse. However, Members expressed concern that an experienced driver had ignored the advice of a Traffic Control Officer and deliberately proceeded into a closed area based on his own initiative and had thereby endangered the public.

Resolved:

That the driver be issued with a severe warning letter in relation to future conduct indicating that in the event of a further incident, the licence be revoked or suspended.

(iii) GDW – Existing Hackney Carriage Driver

Mr Ratcliffe presented the case on behalf of the Authority.

GDW was in attendance and provided representations to the Sub-Committee.

The Sub-Committee was informed of an incident whereupon a fare paying passenger had been refused carriage by the driver, which would have been in breach of the bye-laws. The complainant had taken photos of the driver and vehicle plates at the time of the incident to supplement her version of events.

The driver advised the Sub-Committee that in relation to the incident, he had followed the customary practice of advising potential passengers to go to the front of the queue at the taxi rank. He added that he had previously carried the complainant but there had been no disagreement on that occasion.

The Sub-Committee reasoned that the driver had followed normal practice and that there seemed to be no underlying personal reason for him to refuse the fare.

Resolved:

That no further action be taken in relation to the incident.

(iv) ABJ – Existing Private Hire Vehicle Driver

Mr Marshall presented the case on behalf of the Authority.

ABJ was in attendance and provided representations to the Sub-Committee.

The Sub-Committee was advised of an incident where it was alleged that the driver had been aggressive and abusive towards a female passenger. The complainant alleged that following her disembarkation, she had also been hit by the vehicle's wing mirror as it drove away.

Members were shown a short CCTV video extract of the alleged incident in which the complainant alleged she was hit by the vehicle's wing mirror.

ABJ claimed he had not been aggressive and denied using abusive or threatening language. He added that the complainant had not been hit by the vehicle's wing mirror and could not understand why this claim had been made.

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The Sub-Committee considered the driver's version of events and agreed that his story had been consistent. They also agreed that it was unclear from the CCTV footage whether the vehicle had impacted the complainant or even whether this was the driver's intention. However, Members accepted that the driver had appeared to accelerate rather carelessly after dropping off the complainant and such a reaction was not acceptable behaviour for a licensed driver.

Resolved:

That the driver be issued with a warning letter in relation to future conduct indicating that in the event of a further incident, the licence be revoked or suspended.

(v) JH – Existing Hackney Carriage Driver

Mr Marshall presented the case on behalf of the Authority.

JH was in attendance and provided representations to the Sub-Committee.

The Sub-Committee was advised of an incident in which, the complainant alleged that the driver had been verbally abusive and had acted violently when confronted following an exchange with the complainant's wife. Mr Marshall reported that no independent witness had come forward and the Police had ceased its proceedings.

JH described his version of events and alleged that the complainant that had acted aggressively and violently rather than himself. He added that, in his opinion, he had shown restraint and had only reacted to extreme provocation.

The Sub-Committee agreed that there was insufficient evidence to reach a decision at that time and requested the complainant and his wife be invited to appear at the next meeting to provide representations.

Resolved:

To defer the case until the next meeting, scheduled for 19th January 2016.

(vi) MKD – New application, Hackney Carriage and Private Hire Vehicle Driver

Mr Ratcliffe presented the case on behalf of the Authority.

MKD was in attendance and provided representations to the Sub-Committee.

The Sub-Committee was advised that the applicant had a large number of prior convictions spanning over 20 years. Whilst MKD had not been convicted of any offences since 2001, the nature and frequency of the previous convictions gave sufficient reason for concern.

The driver advised that she had issues with drugs for many years and this had led her to commit many of the previous offences. She added that she no longer had any issues with drugs and presented a character reference from a neighbour that suggested that MKD was an honest, reliable and remorseful individual.

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The Sub-Committee considered the number and nature of MKD's previous offences and were concerned about a potential lapse into reoffending. However, Members reasoned that the time that had elapsed since the last offence was significant. Also noted was the fact that the applicant seemed genuinely remorseful, had expressed a desire to get back into work and had received a firm job offer.

Resolved:

That the Hackney Carriage and Private Hire Vehicle Drivers Licence be granted with the addition of a warning letter in relation to future conduct.

(vii) ARB – New application, Private Hire Vehicle Driver

Mr Ratcliffe presented the case on behalf of the Authority.

ARB was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe advised that the applicant had an extensive history of criminal convictions that included a number of driving offences, though it had been almost eight years since the last conviction. In addition, The Sub-Committee was informed that of those offences, the applicant had only declared a single conviction on the application form.

ARB advised the Sub-Committee that he had not deliberately set out to deceive the Licensing Service. He explained that he had made an error when completing the application form. He described himself as reliable and a person used to dealing with the public and added that, in his opinion, he represented no threat to them.

The Sub-Committee considered the amount of time that had elapsed since the applicant's most recent offence and the fact that he had held a number of jobs and dealt with the public without incident. On balance however, Members expressed concern over the number and nature of the applicant's previous offences and the deception he had demonstrated in relation to completion of the application to be licensed.

Resolved:

1. Not to prosecute the driver for non-disclosure of convictions during the application to be licensed.
2. That the application for a Private Hire Vehicle Drivers Licence be refused on the grounds that the applicant was not a fit and proper person due to his previous conduct being significantly below the standards expected of a licensed driver and because of his failure to properly disclose his previous convictions.

(viii) YB – New application, Hackney Carriage and Private Hire Driver's Licence

Mr Ratcliffe presented the case on behalf of the Authority.

YB was in attendance and provided representations to the Sub-Committee.

Mr Ratcliffe advised Members of the applicant's previous conviction for a driving offence. He added that the applicant had also had his DVLA licence expired prematurely for not sending it away in order to endorse penalty points.

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Members heard from YB who claimed he had been on holiday for a period of six weeks at the time his car insurance had expired and on his return to the UK had continued to drive unaware he had not renewed his policy.

The Sub-Committee considered the fact the applicant had no previous criminal convictions and agreed that the offence was possibly the result of carelessness. However, concerns were noted about the fact that YB's DVLA licence had expired as penalty points on it had not been formally endorsed.

Resolved:

1. To take no further action in relation to the applicant's non-declaration of the offence on his DVLA Driver's Licence.
2. That the application for a Hackney Carriage and Private Hire Vehicle Drivers Licence be granted with the addition of a warning letter in relation to future conduct indicating that in the event of a further incident, the licence be revoked or suspended.

(ix) CSA – New applicant, Hackney Carriage Driver's Licence

CSA was not in attendance but submitted a letter requesting that the case be heard by the Sub-Committee in his absence.

Mr Ratcliffe presented the case on behalf of the Authority.

Members were advised that the applicant had an extensive list of prior criminal convictions, some of which were of particular concern for someone who wished to become a licensed driver. In addition, CSA had failed to declare any of his convictions during the application to be licensed.

The Sub-Committee expressed concern over the number and nature of the applicant's previous offences and the dishonesty demonstrated through non-disclosure of offences during the application to be licensed.

Resolved:

1. To take no further action in relation to the driver's non-disclosure of convictions during the application to be licensed.
2. That the application for a Private Hire Vehicle Drivers Licence be refused on the grounds that the applicant was not a fit and proper person due to his previous conduct being significantly below the standards expected of a licensed driver and because of his failure to properly disclose his previous convictions.

Background papers: exempt

5 REVIEW OF HACKNEY CARRIAGE LICENCE CONDITIONS

Members were requested to consider whether a number of conditions that had been imposed on a Hackney Carriage license were still reasonably necessary.

Members considered the referral as follows.

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(i) SJH – Existing Hackney Carriage Driver’s Licence

Mr Ratcliffe presented the case on behalf of the Authority.

SJH was not in attendance but requested that the Sub-Committee hear the case in his absence.

Mr Ratcliffe advised Members that the conditions applied to the licence had been transferred from the previous licence holder and SJH had simply inherited them. Since inheriting the licence, both the driver and the vehicle he operated had given no cause for concern.

Resolved:

That all conditions imposed on the Hackney Carriage driver’s licence be removed as they had applied to the previous driver and were not applicable to the current driver.

Background papers: exempt

6 DATE OF NEXT MEETING

Members noted that the date of the next meeting would be Tuesday 19th January 2016.

Chairman

(The meeting ended at 2:28pm)

Any queries regarding these minutes, please contact:

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