

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 27 APRIL 2021

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP
Critchley

Farrell
Hunter

D Scott
R Scott

Wilshaw

In Attendance:

Sarah Chadwick, Democratic Governance Advisor

Sharon Davies, Senior Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 EXCLUSION OF PRESS AND PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from agenda items three and four as those items contained information which was exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

It considered that the public interest would not be served by allowing the information to be held in open session due to the sensitive information about individuals outlined.

Resolved: That under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of Agenda Item Three, Horse Drawn Hackney Carriage Driver Licence and Agenda Item Four, Hackney Carriage and Private Hire Driver Licences.

3 MINUTES OF THE LAST MEETING HELD ON 23 MARCH 2021

Resolved: That the minutes of the meeting held on 23 March 2021 be approved and signed by the Chair as a correct record.

4 HORSE DRAWN HACKNEY CARRIAGE DRIVER LICENCE

The Public Protection Sub-Committee considered an application for a new Horse Drawn Hackney Carriage driver licence where the applicant had been convicted of offences or had otherwise given reasons for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and informed Members that the applicant, F.P.B., had previously appeared before the Sub-Committee in June 2020 due to a conviction for driving a motor vehicle with excess alcohol in 2018. On that occasion the application was refused as the Sub-Committee had not wished to depart from Section 12.1 of the Council's Horse Drawn Hackney Carriage Convictions

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Policy which stated that applications should only be considered where at least three years had elapsed since the restoration of a driving licence following a drink drive conviction.

Appearing before the Sub-Committee, F.P.B. expressed remorse for the offence and stated that it was a youthful mistake which did not reflect their character, adding that they had learned from the incident. Members were informed that since the last application F.P.B. had returned to college to study animal science and had taken the advice of the Sub-Committee in allowing a year to lapse before re-applying, meaning that it was now more than three years since the offence occurred, although less than three years since the restoration of their driving licence.

The Sub-Committee considered the information submitted by both parties and noted the applicant's remorse together with the time elapsed since the offence. Although three years had not passed since the restoration of F.P.B.'s driving licence the Sub-Committee agreed to depart from the Horse Drawn Hackney Carriage Convictions Policy and grant the application with a strict warning that in the event of future issues the licence may be suspended or revoked.

Resolved: That the application in respect of F.P.B. be granted subject to the issuing of a severe warning letter that in the event of future issues the licence may be suspended or revoked.

5 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Sub-Committee considered licence holders who had been convicted of offences or who had otherwise given reasons for concern.

i. A.D.M.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case to the Sub-Committee. He informed Members that A.D.M. was an existing Hackney Carriage and Private Hire driver who had been licensed since October 2015. A recent check of A.D.M.'s DVLA driving licence had revealed a total of nine penalty points for use of a mobile device whilst driving in June 2018 and speeding in December 2020. Mr Ratcliffe further reported that A.D.M. had failed to notify the Licensing Service of the most recent offence for speeding in December 2020. He highlighted Section 14.5 of the Hackney Carriage and Private Hire Convictions Policy, which stated that licensed drivers who accumulated nine or more penalty points would be referred to the Sub-Committee for consideration, and recommended that as A.D.M.'s current driving record was poor the minimum of a warning letter should be issued.

In response, A.D.M. informed the Sub-Committee that they had not driven a taxi for approximately three to four years but had retained their Hackney Carriage and Private Hire driver licences as a fall-back option in uncertain economic times. It was explained that both offences occurred not whilst driving a taxi but when employed in their full time job which involved driving over 40,000 miles per year. A.D.M. advised Members that in general they were very conscious of their driving behaviour as any offences could put their job at risk and stated that it had been an oversight not to inform the Licensing Service of the offence from December 2020.

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The Sub-Committee carefully considered the information provided by both parties. Members expressed concerns over A.D.M.'s attitude to driving safely and the failure to notify the Licensing Service of their latest conviction and concluded that a severe warning letter be issued indicating that if A.D.M. was brought before the Sub-Committee again at any point in the future, then suspension or revocation of their licences would be the likely outcome.

Resolved: That a severe warning letter be issued that in the event of any future misconduct the licences may be suspended or revoked.

ii. A.L.D.

A.L.D. attempted to join the meeting via video link but was unable make an audio connection and further attempts to join the meeting by telephone instead were also unsuccessful.

The Sub-Committee therefore agreed to defer the case to its next meeting on 25 May 2021 but asked Mr Ryan Ratcliffe, Licensing Enforcement Officer, to advise A.L.D. that should they be unable to join that meeting then the case would be heard in their absence.

Resolved: That the case of A.L.D. be deferred to the next meeting of the Public Protection Sub-Committee on 25 May 2021.

6 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 25 May 2021.

Chairman

(The meeting ended 7.15 pm)

Any queries regarding these minutes, please contact:
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