

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 2 NOVEMBER
2021**

Present:

Councillor Hutton (in the Chair)

Councillors

| | | |
|---------|---------|---------|
| Cox | Hunter | Wilshaw |
| Farrell | D Scott | |

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor
Sharon Davies, Senior Licensing 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 item three as that item 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, Hackney Carriage and Private Hire Driver Licences.

3 MINUTES OF THE LAST MEETING HELD ON 5 OCTOBER 2021

Resolved: That the minutes of the meeting held on 5 October 2021 be approved and signed by the Chair as a correct record.

4 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

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

i. M.A.K.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case to the Sub Committee and explained that M.A.K had applied for a new Private Hire driver licence, having previously been licensed from September 2012 until February 2016 when the Sub-Committee had revoked their licence following a conviction for drink driving. Members

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were advised that M.A.K. had not received any further convictions or driving offences since 2016 and Mr Ratcliffe therefore recommended that the licence should be granted with a strict warning as to future conduct.

Appearing before the Sub-Committee M.A.K. apologised for the incident and advised Members that they had recently been employed in the social care sector where duties included transporting vulnerable adults, during which time they had maintained a clean driving record. They explained that they wanted to return to the taxi trade due to the flexibility in working hours that it would provide and expressed their regret for the conviction.

The Sub-Committee considered the information provided and noted the applicant's remorse and the time that had elapsed since the incident. It concluded that M.A.K. was a fit and proper person to be licensed and therefore agreed to grant the application with a strict warning letter that in the event of future issues the licence may be suspended or revoked.

Resolved: To grant a new Private Hire driver licence to M.A.K. with a strict warning letter that in the event of any future misconduct the licence may be suspended or revoked.

ii. T.P.S.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, reported that T.P.S. had applied for a new Hackney Carriage driver licence having previously been licensed from September 1996 until May 2017 when their licence was suspended under delegated powers by the Licensing Manager following information received from Lancashire Constabulary that they had crashed into a parked vehicle. T.P.S. subsequently did not renew their Hackney Carriage driver licence and was disqualified from driving until June 2018 and convicted of driving without due care and attention and failing to provide a specimen for analysis. Mr Ratcliffe referred to the Hackney Carriage and Private Hire Convictions Policy which stated that at least five years should have elapsed after the restoration of a driving licence before an application should be granted and therefore recommended that the licence application should be refused.

Appearing before the Sub-Committee T.P.S. expressed their remorse and admitted they had consumed alcohol during the hours prior to the incident and accepted that their attitude and behaviour was unacceptable in refusing to offer a sample when requested by the Police. They explained that their actions had resulted in embarrassment and financial hardship and asked Members to consider that it was an isolated incident which had not occurred whilst driving a licensed vehicle and pointed to their otherwise good driving record.

The Sub-Committee carefully considered the information provided and noted the applicant's regret and previous good driving record but expressed concern over the serious nature of the offence of driving without due care and attention and the refusal to provide a sample. Members therefore agreed on balance not to depart from the Policy and refused the application.

Resolved: To refuse T.P.S.'s application for a new Hackney Carriage driver licence.

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iii. W.B.D.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, advised the Sub Committee that W.B.D. had applied for a new Private Hire driver licence and the Disclosure and Barring Service check submitted as part of that application process had revealed a number of convictions relating to dishonesty offences between September 1997 and August 2003. W.B.D. had further aggravated their position by failing to declare all the convictions on their application form as required. Mr Ratcliffe acknowledged that the applicant had been conviction free for over 18 years but referred to the Hackney Carriage and Private Hire Convictions Policy which stated that a licence would not normally be granted if an applicant had more than one conviction for a dishonesty offence. He therefore urged the Sub-Committee to give careful consideration whether to depart from the Policy in determining the application.

In response, W.B.D. appeared before the Sub-Committee and explained that it had been an oversight not to declare all convictions on their application form due to their historical nature. A previous Basic Disclosure check undertaken by them to obtain their Personal Alcohol Licence had not listed spent convictions and they advised Members that they were therefore unaware that they would show on the enhanced Disclosure and Barring Service check required for their Private Hire driver application.

Members considered the information provided by both parties. They expressed concern at the failure to disclose all convictions and remarked that the applicant appeared to show a lack of remorse. The Sub-Committee concluded that W.B.D. was not a fit and proper person to be licensed and therefore agreed not to depart from the Policy and refused the application.

Resolved: To refuse W.B.D.'s application for a new Private Hire driver licence.

iv. H.M.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, reported that H.M. had applied for new Hackney Carriage and Private Hire driver badges and advised Members that H.M. had previously been licensed between December 2010 and September 2019. They had previously appeared before the Sub-Committee in October 2016 when a severe warning was issued for alleged threatening and abusive behaviour towards a customer and again in September 2019 when the Sub-Committee decided they were no longer a fit and proper person to be licensed and revoked H.M.'s licence following an altercation with a passenger for which H.M. received a Police caution for assault.

Mr Ratcliffe drew Members' attention to the Hackney Carriage and Private Hire Convictions Policy which stated that a licence would not normally be granted where the applicant had a conviction, including a caution, for offences including assault within three years of an application being made. Mr Ratcliffe had serious concerns over H.M.'s suitability to be a licensed driver and as the offence took place less than three years ago he recommended that the Sub-Committee refused the application.

Appearing before the Sub-Committee H.M. expressed regret for their actions and assured

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Members they would not behave in a similar manner again. They explained that should they be faced with a challenging customer in future they would remain calm and call the authorities if necessary, rather than engage in confrontation.

The Sub-Committee carefully considered the information provided by both parties. Members expressed concerns that H.M. had previously appeared before them on more than one occasion in relation to their conduct towards passengers and whilst the remorse of the applicant was noted the Sub-Committee was not convinced that a similar incident would not happen again. It concluded that H.M. was not a fit and proper person to be licensed and therefore decided not to depart from the Policy and refused the application.

Resolved: To refuse H.M.'s applications for new Hackney Carriage and Private Hire driver licences.

5 MOTION MOVED, SECONDED, VOTED UPON AND LOST

During deliberation of the preceding Item, Hackney Carriage and Private Hire Driver Licences, the following motion was proposed, seconded, voted upon and lost:

“That the application for a new Hackney Carriage Driver Licence for T.P.S. be granted with a severe warning letter that in the event of any future incidents the licence may be suspended or revoked. “

6 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 7 December 2021.

Chairman

(The meeting ended 7.18 pm)

Any queries regarding these minutes, please contact:
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