

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 7 DECEMBER
2021**

Present:

Councillor Hutton (in the Chair)

Councillors

Collett
Cox

Farrell
Hunter

Mrs Scott
Wilshaw

In Attendance:

Sharon Davies, Senior Licensing Solicitor

John Greenbank, Democratic Governance Senior Adviser (Scrutiny)

1 DECLARATIONS OF INTEREST

There were no declarations of interest made on this occasion.

2 EXCLUSION OF PRESS AND PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from agenda items three, four, five and six as these 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 items three, four, five and six, Horse Drawn Hackney Carriage, Hackney Carriage Licences and Use of Delegated Powers.

3 MINUTES OF THE LAST MEETING HELD ON 2 NOVEMBER 2021

Resolved: That the minutes of the meeting held on 2 November 2021 be approved and signed by the Chair as a correct record.

4 HACKNEY CARRIAGE VEHICLE LICENCES

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

i. DN

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case to the Sub-Committee and explained that DN had applied for an Hackney Carriage Drivers Licence as

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part of which they declared that they had received a conviction for driving with excess alcohol on 24 September 2017 following which they were banned from driving before having their driving licence reinstated on 1 May 2019. This meant that they had held their licence for less than the five-year following a conviction outlined by the Council's Hackney Carriage and Private Hire Convictions Policy. Mr Ratcliffe therefore recommended that the application be refused on this occasion.

DN was then asked to address the Sub-Committee in support of their application and stated that they regretted the incident and accepted that they had been at fault. They also explained that they had been drinking during the day of 23 September 2017 as it had been their birthday, and had been driving on the morning of 24 September to attend a party having failed to find a taxi. The Police stopped DN after they had been driving for approximately seven minutes. DN admitted that it had been a mistake to drive while under the influence of alcohol and stated that they had been convicted and banned for twenty-four months, which had been reduced to eighteen months following their attendance on a drink driving course.

Mr Ratcliffe asked which alcohol level he had register when stopped by the Police. DN responded that he believed that the level was 0.9mg. In response Mr Lee Petrak, Trading Standards and Licensing Manager, stated that a twenty-four month ban was according to sentencing guidelines for a level of 90mg to 190mg of breath.

The Sub-Committee queried the circumstances that had led DN to drink and drive. In reply DN explained that they had been drink most of the day on the 23 September 2017 as it had been their birthday and had attempted to drive to a party at 1.00am on 24 September. The Police had stopped their car on Park Drive for driving too slowly.

The sub-Committee considered the information provided by both parties. While noting DN's remorse for the incident, Members did not believe that the explanation for the incident that led to their conviction provided sufficient cause to depart from the Council's Hackney Carriage and Private Hire Convictions Policy and therefore refused the application.

Resolved: To refuse DN's application for a Hackney Carriage Vehicle Licence.

5 HORSE DRAWN HACKNEY CARRIAGE DRIVERS LICENCES

The Chair informed the Sub-Committee that a request to defer consideration of the application to the January meeting had been recieved.

Resolved: That consideration of the Horse Drawn Hackney Carriage Drivers Licence be deferred to the January 2022 meeting of the Sub-Committee.

6 USE OF DELEGATED POWERS SINCE THE LAST MEETING

Mr Lee Petrak, Trading Standards and Licensing Manager, updated Members on the use of Delegated Powers to revoke a Private Hire Driver's licence since the last meeting.

- i. AF

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Mr Petrak reported that the Licensing service had been made aware of a low speed collision involving AF, a taxi driver, by their employer. They had also provided CCTV footage from on board AF's taxi that showed over an extended period that they had been falling asleep while driving. It was noted that over five-hundred instances had been provided by AF's employer, including during the collision incident. When questioned by Licensing Officers AF had stated that they had become over tired due to a combination of working long-hours, a lack of breaks, a rib injury which had prevented sleep and the taking of medications to relieve pain from the injury and due to a cold. Mr Petrak also confirmed that neither alcohol or drugs had been identified as a factor in the case. It had therefore been decided to use delegated powers to suspend AF until they could demonstrate that they were medically fit to hold a licence.

Subsequent to their suspension AF had provided a GP's letter, who had stated that although AF had informed them that they felt they were fit to drive again, they had decided that they could not guarantee that further sleeping incidents would not occur. They had therefore decided to refer AF to a Breathing Specialist for further investigation. Mr Petrak informed the Sub-Committee that following receipt of this information it had been decided that it was insufficient to reassure Officers that the suspension should be lifted. He added that in line with the Licensing services procedure the details of the suspension had been shared with the Police, who could decide to take further action against AF.

The Sub-Committee discussed the case and queried at what point would AF's suspension could be lifted, if no medical reason for their sleeping incidents could be found and the continued to express a belief that they were suitable to drive. It was recognised that a medical professional would be unlikely to provide a guarantee that AF was fit to drive and therefore they could conceivably be suspended indefinitely. Mrs Sharon Davies, Senior Licensing Solicitor, responded that in the event no medical reason could be found following a further test then it would be reasonable at that stage to lift AF's suspension if they still believed they were fit to drive. Mr Petrak added that it had been a difficult decision to come to suspend rather than revoke AF's licence, but that the risk of further incidents had to be balanced against treating AF fairly. He added that AF had the right to appeal the suspension if they so wished, but as of the date of the meeting had not done so.

ii. RH

Mr Petrak informed the Sub-Committee that the Licensing Service had been made aware of an incident on 24 October 2021 where a Hackney Carriage driven by RH had hit an 11 year old pedestrian causing them to suffer a broken arm. Following hitting the pedestrian RH had failed to stop and continued to drop off the fare they had been carrying before checking to see what had happened. RH had subsequently reported the incident themselves and expressed remorse for what had occurred. Despite this they were unable to provide a satisfactory explanation for how they had not seen the pedestrian, and had stated that at the time of the incident they had heard the vehicle hit something but was unaware it had been a person. The Licensing Service had therefore decided to exercise delegated powers and revoke RH's licence.

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The Sub-Committee was also informed that the Police had taken the decision to charge RH with Driving without Due Care and Attention in relation to the incident.

Resolved: That the update on the use of Delegated Powers be noted.

7 DATE OF NEXT MEETING

The date and time of the next meeting of the Sub-Committee was confirmed as Tuesday, 18 January 2022 at 6.00pm.

Chairman

(The meeting ended 6.32 pm)

Any queries regarding these minutes, please contact:
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