

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 DECEMBER 2022

Present:

Councillors

Farrell	Hutton	Wilshaw
Hunter	D Scott	

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager
Sharon Davies, Senior Licensing Solicitor

1 APPOINTMENT OF CHAIRMAN

Further to the Licensing Committee meeting on the 6 December 2022 where the Committee agree to the formation of a Public Protection Sub Committee for the remainder of the Municipal Year 2022/23. The Sub-Committee had been recommended to consider the appointment of a Chairman for the remainder of the Municipal Year.

Resolved:

That Councillor Hutton be appointed Chairman of the Public Protection Sub-Committee for the remainder of the Municipal Year 2022/23.

(Councillor Hutton took the Chair from this point onwards.)

2 APPOINTMENT OF VICE-CHAIRMAN

Further to the Licensing Committee meeting on the 6 December 2022 where the Committee agree to the formation of a Public Protection Sub Committee for the remainder of the Municipal Year 2022/23. The Sub-Committee had been recommended to consider the appointment of a Vice-Chairman for the remainder of the Municipal Year.

Resolved:

That Councillor D Scott be appointed Vice-Chairman of the Public Protection Sub-Committee for the remainder of Municipal Year 2022/23.

3 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

4 EXCLUSION OF THE 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 DECEMBER 2022

It was 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 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 item 3- Hackney Carriage and Private Hire Driver's Licences 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 and the public interest was not served by making this information public.

5 MINUTES OF THE LAST MEETING HELD ON 1 NOVEMBER 2022

The Sub-Committee considered the minutes of the last meeting held on 1 November 2022.

Resolved: That the minutes of the meeting held on 1 November 2022 be approved and signed by the Chairman as a correct record.

6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES

The Sub-Committee considered the cases of licence holders and applicants for Private Hire and Hackney Carriage Driver Licences who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

i) RMP

The Sub-Committee considered a case in respect of RMP a new application for a Hackney Carriage driving licence. It noted that RMP was not in attendance and considered that it would be beneficial if consideration could be deferred to the next meeting to enable him to attend.

Resolved:

That consideration of the Hackney Carriage Licence application in respect of RMP be deferred to the meeting of the Sub-Committee on the 17 January 2023.

ii) JLC

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of JLC who had applied for a renewal of his Hackney Carriage and Private Hire Driver Licence in August 2022. The application form for the renewal and the accompanying certificate from the Disclosure and Barring Service had identified a police caution in December 2019 for the possession of a class b drug namely cannabis. Mr Ratcliffe highlighted that during the period that JLC previously licensed between December 2018 and December 2021, they had failed to notify the Licensing Service of the Police Caution during that period. Mr Ratcliffe also reminded the Sub-Committee of section 10.3 and 17.1 of the Hackney Carriage and Private Hire Convictions Policy, in relation to offences involving drugs and cautions respectively, which stated: 10.3 An applicant who has an isolated conviction for an offence related to the possession of drugs (other than for supply) may be granted a licence once

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 DECEMBER 2022

the following time periods have passed since the completion of any sentence, but consideration should be given to the nature and quantity of the drugs namely for Class B/C 3 years.

JLC was in attendance and made representations to the Sub-Committee. JLC expressed regret for the incident and explained it was a one-off incident concerning a small quantity of the drugs. JLC further explained that he regretted not declaring the offence which had happened as he was not working as a licensed driver at the time.

The Sub-Committee considered carefully the evidence submitted by both parties and the Hackney Carriage and Private Hire Licensing Policy. It considered refusing the application but balanced that with the fact that the incident took place in 2018 and concerned a relatively small quantity. It therefore agreed on balance to grant the licence but to issue a strict warning letter that in the event of any future incident the licence may be suspended or revoked.

Resolved:

That JLC's Hackney Carriage and Private Hire Driver Licence be granted with a strict warning letter that in the event of any future misconduct the licence may be suspended or revoked.

7 DATE OF NEXT MEETING

The date of the next meeting was noted as 17 January 2023.

Chairman

(The meeting ended 6.40 pm)

Any queries regarding these minutes, please contact:
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