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MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 27 OCTOBER 2015

Present:

Councillor Hutton (in the Chair)

Councillors

Cox	Owen	Ryan	L Taylor
Robertson BEM	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 MINUTES OF THE MEETING HELD ON 29TH SEPTEMBER 2015

Resolved: That the minutes of the meeting held on 29th September 2015 be signed by the Chairman as a correct record.

The Chairman cited 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 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 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of an application for a Private Hire vehicle driver's licence and 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 application as follows:

- i) CBB –Private Hire Driver's Licence Application

Mr Ratcliffe, Licensing Officer was in attendance and presented the case on behalf of the Authority.

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

The Sub-Committee was informed that the applicant had previous convictions for violent behaviour and drug possession and had failed to declare the latter offence during the

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application process to be licensed.

CBB advised that in relation to the non-declaration of an offence, he had thought the time that had elapsed since the offence meant he would not be required to declare it. The applicant added that both offences had occurred in his youth and accepted he had been immature at the time and made some bad choices.

The Sub-Committee considered the case and agreed that the guidance on the application form to become a licensed Private Hire driver was clear in relation to the declaration of offences and perhaps the applicant had been dishonest. However, Members reasoned that a significant period of time had elapsed since the offences and the applicant had displayed remorse and a level of maturity.

Resolved:

1. That the application for a 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 future offences the licence may be suspended or revoked.
2. Not to prosecute the driver for non-disclosure of the conviction during the application to be licensed.

ii) CJB – Existing Hackney Carriage Driver’s Licence

NOTE: Councillor Robertson BEM was not in attendance previously but arrived prior to consideration of the case and was involved in the subsequent discussions.

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

CJB was in attendance with the vehicle owner, Frank Garrety and provided representations to the Sub-Committee.

The Chairman agreed that supplementary information provided by the Licensing Enforcement Team would be considered in addition to the information contained within the report. The Sub-Committee was advised of an incident that had led to the arrest of CJB on suspicion of sexual offences. In light of the allegations and in view of the driver previously being brought before the Sub-Committee for a similar offence, the Head of Licensing Service advised that she had chosen to suspend the licence with immediate effect pending the driver’s appearance at the meeting.

CJB described the incident and subsequent arrest and claimed he had been wrongfully accused. He added that there had been insufficient evidence to pursue a conviction.

The Sub Committee noted from the additional information provided by Mr Marshall that ultimately the case had been closed as there had been insufficient evidence to secure a conviction. However, Members were unsatisfied with the driver’s explanation of his actions from the night of the alleged incident and expressed concern about his previous referral for a similar offence and his behaviour whilst transporting a vulnerable passenger.

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Resolved: That the Hackney Carriage Drivers Licence be revoked with immediate effect in the interests of public safety and on the grounds that the driver was not a fit and proper person to hold such a licence.

iii) ACN – Existing Hackney Carriage Driver’s Licence

ACN was not in attendance at the meeting.

Mrs Davies advised that additional evidence had emerged in relation to the case, which could potentially mean that a different driver had actually operated the Hackney Carriage at the time of the incident. Therefore, Mrs Davies requested that the case be deferred until clarification could be obtained.

Resolved: The Sub-Committee agreed to defer consideration of the case until its next meeting on 24th November 2015 to allow sufficient time to clarify the identity of the driver of the Hackney Carriage at the time of the incident.

iv) DRH – Existing Hackney Carriage Driver’s Licence

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

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

The Sub-Committee noted that the driver had breached a safety cordon that had been erected in the interests of public safety and to aid traffic management during the 2015 Illuminations. The driver had also been carrying a fare paying passenger at the time.

DRH claimed he had thought the signage was in the process of being removed at the time the incident took place and, in his opinion; he had not breached the safety cordon.

The Sub-Committee considered the size and placement of signage and agreed that whilst some signage had begun to be removed at the time the driver had entered the cordon, much of it had still been in place and was clear enough to prevent an experienced driver from entering by mistake.

Members considered whether the driver had been dishonest about his reasons for entering the restricted zone. Despite substantiated claims by the driver that larger barriers had been employed, that made entry to the cordoned area more difficult, it was accepted that those changes were made after the night of the incident and were therefore not a factor for consideration. The Sub-Committee reasoned that whilst possibly some cones had been removed, the driver chose to ignore signage and barriers and by entering into the restricted zone had disregarded measures put in place for the safety of the public.

Resolved: That the driver be issued a warning letter in relation to future conduct indicating that in the event of future offences the licence may be suspended or revoked.

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v) CB – Existing Private Hire Vehicle Driver’s Licence

NOTE: Councillor Cox left the meeting at this point, before consideration of the case and did not take part in any subsequent discussions.

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

CB was not in attendance at the meeting.

Mr Marshall advised the Sub-Committee that previously he had been in contact with the driver and was unsure why he had not been in attendance as he had seemed keen to attend.

Resolved: The Sub-Committee agreed to defer consideration of the case until its next meeting on 24th November 2015 to allow the driver an additional opportunity to attend and make representations.

vi) PJW – Existing Hackney Carriage and Private Hire Driver’s Licence

The Chairman agreed to hear the case which had been added as a supplementary item for urgent consideration. It was decided to hear the case because of the seriousness of the offence and the fact that the incident had taken place after the initial agenda had been despatched.

Mr Ratcliffe presented the case on behalf of the Authority.

PJW was not in attendance at the meeting.

The Sub-Committee was advised that the driver had been arrested for a drink driving offence. The driver’s actions, in the opinion of the Head of Licensing Service, posed a serious threat to the public given that he had been driving his taxi at the time he was stopped by Police. Therefore, in consultation with the Chairman, it was agreed to suspend PJW’s licence on 20th October 2015.

The Sub-Committee reasoned that despite there not being a fare paying passenger on board the taxi at the time the driver had been stopped, his actions were of concern and not in keeping with the standards expected of a licensed driver.

Resolved: That the Hackney Carriage and Private Hire Vehicle Drivers Licences be revoked with immediate effect on the grounds that the driver was not a fit and proper person to hold such a licence.

Background papers: exempt

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4 DATE OF NEXT MEETING

Members noted that the date of the next meeting would be Tuesday 24th November 2015.

Chairman

(The meeting ended at 8.05 pm)

Any queries regarding these minutes, please contact:
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