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MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 19 JANUARY 2016

Present:

Councillor Hutton (Chairman)

Councillors

Cox	Mitchell	Singleton
Maycock	Owen	L Taylor

In Attendance:

Luke Andrews, Licensing Officer
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 interests on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 24TH NOVEMBER 2015

Resolved: That the minutes of the meeting held on 24th November 2015 be signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

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 items 3 and 4 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

4 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of three existing Hackney Carriage and Private Hire Vehicle drivers and one new Hackney Carriage licence applicant that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application and referrals as follows:

(i) JH – Existing Hackney Carriage Driver

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

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JH was in attendance with another driver who witnessed the incident. Both provided representations to the Sub-Committee.

Members noted that at the previous meeting it had been agreed to defer consideration of the case to allow the complainant a chance to appear and present his version of events in relation to the incident. The complainant was not in attendance but the Sub-Committee were satisfied he had been notified of the meeting.

The Sub-Committee was advised of the incident in which, the complainant alleged that the driver had been verbally abusive and had acted violently when confronted following an exchange with the complainant's wife, but the Police had decided not to pursue the matter further. The driver described his version of events and alleged that it had been the complainant that had acted aggressively and violently rather than himself. He added that, in his opinion, he had shown restraint and had reacted to extreme provocation.

The Sub-Committee considered the drivers clean track record and the supporting statement made by the other driver, which cast doubt on the complainant's version of events and removed concerns that the driver may have been the aggressor.

Resolved:

To take no further action against the driver in relation to the alleged incident.

(ii) MD – Existing Hackney Carriage Driver

Mr Ratcliffe presented the case on behalf of the Authority.

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

The Sub-Committee was advised of an incident in which, it was alleged that the driver had behaved aggressively and driven dangerously whilst operating his taxi and had been involved in an altercation with a member of the public.

The driver claimed that the complainant's version of events contained a number of inaccuracies in relation to the alleged incident. He expressed regret that he had responded after being verbally abused by the complainant and he claimed he previously had footage from his in-car CCTV system that refuted the claims made by the complainant, but added that the recording had been automatically deleted by the system two weeks after the incident.

Members considered the lack of firm evidence that included the deleted CCTV footage and agreed that the driver should not have responded to the verbal attack. However, it was agreed that the driver had demonstrated remorse in relation to the incident and had a long record without any previous cause for concern.

Resolved:

1. That a warning letter be issued in relation to future conduct in relation to future conduct indicating that in the event of a further incident, the licence be revoked or suspended.
2. The driver was advised that he should download or store any video evidence

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obtained in his vehicle should any future incident occur.

(iii) HAK - Existing Private Hire driver

Mr Marshall presented the case on behalf of the Authority.

HAK was in attendance with a representative from the Private Hire operator. Both provided representations to the Sub-Committee.

The Sub-Committee was advised of an incident in which a disabled passenger had been unable to travel in a taxi with a guide dog. The complainant alleged that the driver had refused to take the dog and left them at the side of the road to wait for another taxi.

HAK claimed that the complainant had been part of a large group and two taxis had been dispatched to pick up all members of the group. According to the driver, there had been a breakdown in communication as he had been first to arrive and suggested that the disabled guest and dog be transported in the second vehicle which was larger and more spacious. The Company representative added that all calls relating to the incident had been recorded and were available upon request.

The Sub-Committee considered the drivers response in relation to the incident and agreed that more sensitivity could have been shown towards the needs of the disabled guest. However, Members reasoned that the Company and driver had not violated any procedures in the way it dealt with the complainant. The Sub-Committee acknowledged there had been a breakdown in communication at some point which had compounded the situation.

Resolved:

1. That no further action be taken against the driver in relation to the alleged incident.
2. The driver was advised to exercise caution and demonstrate greater sensitivity when dealing with disabled guests in future.

(iv) GPM – New Private Hire drivers licence applicant

Mr Ratcliffe presented the case on behalf of the Authority.

GPM was not in attendance and did not make representations to the Sub-Committee.

Members were informed of an application to be licenced from an applicant with numerous convictions on his DVLA drivers licence for driving related offences, some from as recently as 2015.

Resolved:

That the application for a Private Hire Vehicle Drivers Licence be refused on the grounds that the applicant was not a fit and proper person due to his previous conduct being significantly below the standards expected of a licensed driver and because of the nature and recency of his convictions.

Background papers: exempt

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5 REVIEW OF HACKNEY CARRIAGE LICENCE CONDITIONS

Members were requested to consider whether a number of conditions that had been imposed on a Hackney Carriage licence were still reasonably necessary.

Members considered the referral as follows.

- (i) APW – Existing Hackney Carriage licence

Mr Ratcliffe presented the case on behalf of the Authority.

APW was in attendance and made representations to the Sub-Committee.

Mr Ratcliffe advised Members that the conditions applied to the Hackney Carriage licence had been transferred from the previous licence holder and the driver had simply inherited them. Since inheriting the licence, both the driver and the vehicle he operated had given no cause for concern to the Licensing Service.

The driver reported that he held a number of other Hackney Carriage and Private Hire Licences and had previously successfully applied to have conditions removed from several of those.

Resolved:

That all conditions imposed on the Hackney Carriage driver's licence be removed as they had applied to the previous driver and were not applicable to the current driver.

Background papers: exempt

6 DATE OF NEXT MEETING

Members noted that the date of the next meeting would be Tuesday 23rd February 2016.

Chairman

(The meeting ended 7.14 pm)

Any queries regarding these minutes, please contact:

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