

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 8 MAY 2018

### Present:

Councillor Hutton (in the Chair)

Councillors

|           |               |           |
|-----------|---------------|-----------|
| Collett   | Hunter        | Mrs Scott |
| Humphreys | Robertson BEM | Singleton |

### In Attendance:

Mrs Sharon Davies, Head of Licensing Service  
Mr Chris Williams, Democratic Services Adviser

### 1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

### 2 MINUTES OF THE LAST MEETING HELD ON 10 APRIL 2018

The Sub-Committee considered the minutes of the meeting held on 10 April 2018.

### Resolved:

That the minutes of the meeting held on 10 April 2018 be approved and signed by the Chairman as a correct record.

### 3 EXCLUSION OF THE PUBLIC

**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 items 5 and 6 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 APPLICATION TO LICENCE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE

The Sub-Committee considered an application to license a modified Horse-Drawn Hackney Carriage. During consideration of the application, Members conducted a visual inspection of the Carriage.

The applicant Mr Shea was in attendance at the meeting.

The Licensing Service advised that another applicant, Mr Coates, whose application had originally been included on the agenda had since decided to withdraw his application.

Mr Ratcliffe, Licensing Officer, who was in attendance, informed the Sub-Committee that the Carriage on display had yet to be inspected by the Council's Carriage Inspector and this would be done as soon as he was available to carry out the inspection.

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### **Resolved:**

1. That the application to license a modified Horse-Drawn Hackney Carriage be granted in the case of Mr Shea subject to a satisfactory outcome of an inspection by the Council's Carriage Inspector.
2. To note the withdrawal of the application to license a modified Horse-Drawn Hackney Carriage in the case of Mr Coates.

### **5 ALLOCATION OF STREET COLLECTION 2018/2019**

At the previous meeting, the Sub-Committee agreed to defer making a decision on the application for a street collection permit for Here 4 U to allow the applicant additional time to submit supporting paperwork that included the charity's annual report, details of referrals, testimonials, accounting and other supporting materials to the Licensing Service.

The applicant, Mr Bentley was not in attendance having attended the previous meeting on 10 April to speak in support of his application for a permit to collect in the St John's Square area on 18 August 2018 between 8am and 8pm.

The Sub-Committee agreed to consider the application in the absence of Mr Bentley. Members reviewed all the supporting evidence submitted by the applicant and reasoned that despite some comprehensive paperwork and references, concerns remained about the organisation due to a lack of available evidence of robust governance arrangements, questions about how funds would potentially be spent and concerns about counselling services being provided by the charity by staff without the appropriate qualifications.

### **Resolved:**

1. To refuse to grant the street collection permit in respect of Here 4 U.
2. To refer the organisations details to colleagues in Social Care and Public Health within the Council to investigate Here 4 U in more detail following the concerns noted.

### **6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES**

The Sub-Committee was informed of applicants and an existing driver who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the applications and referral as follows:

- (i) D.G.N (New applicant)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and advised the Sub-Committee that the applicant had a substantial history of offending covering a wide variety of offences, some of which had involved dishonesty and several serious driving related convictions that included some for drink-driving. In addition, DGN had failed to declare many of his convictions on the application.

The applicant was in attendance and demonstrated regret for his actions. He explained to the Sub-Committee that he had shown poor judgement on a number of occasions during

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his life which had led him to reoffend on multiple occasions. In response to questions from Members regarding three incidents of drink driving each of which had led to an extended ban from driving, the applicant admitted he had behaved recklessly but explained he no longer had a problem with alcohol.

The Sub-Committee was mindful of the applicant's lack of convictions in the last 15 years and expression of remorse in relation to his previous convictions. However, given the number and nature of those convictions and a pattern of re-offending and propensity for drink-driving, Members were minded to take serious action to encourage future compliance and ensure the safety of the public.

### **Resolved:**

1. That the application for a Private Hire Driver's Licence be refused on the grounds that the applicant was not a fit and proper person to be licensed.
2. Not to prosecute the applicant for non-disclosure of prior convictions on the application to be licensed.

(ii) F.T (New applicant)

The applicant was not in attendance and requested that the hearing be deferred to allow him to invite a legal representative to attend.

### **Resolved:**

That consideration of the case be deferred until the next Sub-Committee meeting scheduled for 5 June 2018.

(iii) J.H.S (New applicant)

The applicant was not in attendance and requested that the hearing be deferred as he had a prior engagement to attend.

### **Resolved:**

That consideration of the case be deferred until the next Sub-Committee meeting scheduled for 5 June 2018.

(iv) S.D.H (Existing driver)

The applicant was not in attendance and requested that the hearing be deferred until the 3 July 2018 meeting. Members felt that such a delay would be unacceptable and the driver had been given adequate notice to attend in either May or June 2018. As such and without grounds to defer consideration further, the Sub-Committee agreed to hear the case in the driver's absence.

Mr Ratcliffe reported that SDH had numerous convictions for speeding over an extended period and three of those convictions occurred during a two month period in late 2017.

The Sub-Committee noted that the driver had not been brought before them previously but expressed concerns about his apparent propensity for speeding and lack of respect for motoring laws.

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### **Resolved:**

To revoke the Hackney Carriage Driver's Licence on the grounds that SDH had fallen short of the standards expected of a licensed driver.

Background papers: exempt

### **7 HACKNEY CARRIAGE VEHICLE LICENCE**

The Sub-Committee considered whether a licence holder was a fit and proper person to hold a Hackney Carriage Vehicle Licence, in respect of the following case:

- (i) M.R.S (Existing licence holder)

Mr Ryan Ratcliffe presented the Authority's case. He described a number of serious mechanical defects identified at a routine pit inspection of a vehicle owned and operated by MRS which, given the vehicle's age, was also subject to the Authority's Exceptional Quality Policy. Some of the faults identified were of a serious nature and Council qualified mechanics had deemed them to present a potential risk to the safety of occupants and other road users.

MRS was in attendance with his wife and a mechanic who had carried out work on the vehicle in question. It was reported that the vehicle had passed an MOT only weeks before the pit test and the licence holder could not understand why it had failed. Members explained to MRS that the standards expected of licence holders and the vehicles they present were higher than those required on an MOT certificate and as such individuals were expected to ensure that vehicles they presented for inspection were maintained to exacting standards.

The licence holder explained that he was very thorough with his inspections of the vehicle and the mechanic in attendance agreed that he had inspected the vehicle prior to the pit test and had been satisfied with its condition. MRS added that driving a taxi was his livelihood and had been for over 35 years in which time he had never been before the Sub-Committee previously.

The Sub-Committee noted the licence holder's long service without prior incident, reasonable level of mechanical knowledge and supporting documentation. However, given concerns about the serious nature of the faults and the applicant's lack of acceptance thereof, Members felt appropriate action should be taken.

### **Resolved:**

1. To issue a warning letter in relation to future conduct advising that if the licence holder were brought before the Sub-Committee again in the future, suspension or revocation of the licence would be the likely outcome.
2. To notify the licence holder that if five or more faults were identified at any future pit test that involved any vehicle operated by him, then the licence would be revoked as outlined in the Hackney Carriage policy.
3. The Licensing Service to issue a copy of the updated Exceptional Quality Policy to the licence holder to aid future compliance.

Background papers: exempt

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### **8 DATE OF NEXT MEETING**

Members noted that the date of the next meeting was scheduled for Tuesday 5 June 2018.

### **Chairman**

(The meeting ended at 7.58 pm)

Any queries regarding these minutes, please contact:  
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