

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12
NOVEMBER 2019**

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP
Collett

Critchley
Farrell

Hunter
D Scott

R Scott
Wilshaw

In Attendance:

Mr Michael Caveney, Deputy Head of Legal Services
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 15 OCTOBER 2019

The Sub-Committee considered the minutes of the last meeting held on 15 October 2019.

Resolved:

That the minutes of the meeting held on 15 October 2019 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 3 and 4.

4 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of an applicant and licence holders who had given sufficient cause for concern as to be referred for consideration.

Members discussed the application and referrals as appropriate.

(i) M.C.M (Existing Hackney Carriage Driver)

Mr Lee Petrak, Trading Standards and Licensing Manager, who was in attendance outlined the authority's case which focused on the driver's non-declaration of a motoring offence which was discovered by the Licensing Service as part of annual Driver and Vehicle Licensing Agency (DVLA) checks carried out on all licensed drivers.

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MCM was in attendance and suggested that there had been some confusion about the time of the offence and when he was formally notified that penalty points had been added to his licence. He added that following a change of address, he had been unaware of the penalty points at the time the checks on his Driver's Licence were carried out.

The Sub-Committee reasoned that there had possibly been issues with when the driver became aware of the penalty points added to his licence but acknowledged that at no point did he notify the Licensing Service and so had failed in his responsibility as a licensed driver.

Resolved:

1. That a Severe Warning Letter be issued to the Hackney Carriage Driver indicating that in the event that he be brought before the Sub-Committee again for any reason, suspension or revocation of the licence would be the likely outcome.
2. Not to prosecute the driver for failure to declare motoring convictions.

(ii) P.C.H (Existing Hackney Carriage Driver)

Mr Petrak explained to the Sub-Committee that owing to some unique personal circumstances, the driver had been dealt with administratively and had been issued with a fixed penalty notice and a warning letter in relation to his future conduct.

Resolved: The Sub-Committee noted the action taken and withdrew the referral from the agenda.

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

Mr Petrak informed the Sub-Committee that the applicant had a number of convictions for criminal offences, many of which had involved theft or dishonesty. In addition, the applicant had failed to declare a significant number of those convictions and also some additional motoring offences for which he had received penalty points.

SJK was in attendance and claimed he had not intentionally misled the Licensing Service. He added that he had received advice from currently licensed drivers who told him he did not need to declare all of his historical convictions. Also, the applicant claimed to have held a managerial position without incident for 17 years.

The Sub-Committee were extremely concerned at the number and nature of the applicant's previous criminal and motoring convictions and his failure to declare them on the application to be licensed. In addition, Members were unconvinced of the reasons provided by SJK for not declaring those offences and his personal views regarding the severity of the offences.

Resolved:

1. To refuse the application for a Private Hire Driver's Licence on the grounds that the applicant was not a fit and proper person to hold such a licence.
2. Not to prosecute the driver for failure to declare previous convictions.

Background papers: exempt

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5 HACKNEY CARRIAGE VEHICLE LICENCE

The Sub-Committee considered a referral in respect of the following case:

i) J.P.B (Existing Licence Holder)

The licence holder was in attendance and in relation to the Authority's case regarding serious maintenance issues identified with his vehicle during the course of a routine pit inspection, JPB claimed that he been let down by his regular vehicle mechanic who, in his opinion, had failed to inform him of the faults during an inspection, that were later picked up during the pit-test.

The Sub-Committee considered the case and acknowledged that the licence holder's previous pit-test record since 2017 was very poor and equated to roughly a 50 per cent pass rate. In addition, it was agreed that many of the defects, five of which constituted MOT failures, should have been obvious during the course of routine maintenance carried out by or on behalf of a licence holder/licensed driver.

Resolved:

That the following conditions be imposed on the Hackney Carriage Vehicle and Driver Licence, with immediate effect:

- 1. The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis*
- 2. The licence holder is to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for a period of two years.*
- 3. Records of all servicing to be retained for two years, those servicing records to contain the date, vehicle registration number and mileage of the vehicle*
- 4. All service/inspection records must be legible*
- 5. All records to be produced to enforcement or police officers within 24 hours of the demand being made.*
- 6. The licence holder must implement a procedure to ensure that drivers do a visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.*

Background papers: exempt

6 DATE OF NEXT MEETING

The date of the next scheduled meeting was noted as 17 December 2019.

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Chairman

(The meeting ended at 7.14 pm)

Any queries regarding these minutes, please contact:
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