

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 DECEMBER
2019**

Present:

Councillors

Mrs Callow JP
Collett

Critchley
Farrell

Hobson
Hunter

R Scott
Wilshaw

In Attendance:

Mrs Sharon Davies, Principal Licensing Solicitor
Mr Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

Councillor Hobson declared a prejudicial interest for part of Agenda Item 3, on the grounds that the applicant TPR at section (ii) was a family relation.

Councillor Hobson therefore left before consideration of the case and took no part in the subsequent discussion or decision.

2 APPOINTMENT OF CHAIRMAN

In the absence of the Chairman and Vice-Chairman, the Sub-Committee considered the appointment of a Chairman for the meeting.

The Sub-Committee noted that the only candidate for Chairman of the meeting had declared a prejudicial interest and therefore agreed to also consider the appointment of a Vice-Chairman to deputise in the Chairman's absence.

Resolved:

1. That Councillor Hobson be appointed as Chairman for the meeting.
2. That Councillor Hunter be appointed as Vice-Chairman for the meeting.

3 MINUTES OF THE LAST MEETING HELD ON 12 NOVEMBER 2019

The Sub-Committee considered the minutes of the last meeting held on 12 November 2019.

Resolved:

That the minutes of the meeting held on 12 November 2019 be approved and signed by the Chairman as a correct record.

4 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

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decisions referred to at agenda items 3 and 4.

5 PRIVATE HIRE VEHICLE DRIVERS LICENCES

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

Members discussed the applications as appropriate.

(i) L.C.F. (New Applicant)

Mr Lee Petrak, Trading Standards and Licensing Manager, who was in attendance outlined the authority's case which centred on the applicant's conviction for drink driving. The period of time since the applicant had received their licence back was less than five years and Mr Petrak reminded the Sub-Committee that to grant the Private Hire Vehicle Driver's Licence would therefore require a deviation from the convictions policy.

LCF was present and advised that in relation to the offence outlined by Mr Petrak, that she regretted the matter and suggested that it had been an isolated incident and that she had no other convictions of any sort and claimed to have never driven whilst intoxicated since the date of the offence.

The Sub-Committee reasoned that whilst the offence was particularly relevant and serious, the applicant displayed genuine remorse and had made positive changes to her lifestyle that had resulted in no other cause for concern. Therefore, given the circumstances, Members felt that they should deviate from the policy on this occasion.

Resolved: To grant the application for a Private Hire Driver's Licence.

(ii) T.P.R. (New Applicant)

TPR was not in attendance and therefore made no representations. The Sub-Committee agreed to hear the case in his absence as it was felt he had been afforded ample opportunity to attend.

Mr Petrak advised the Sub-Committee that the applicant had a conviction for dishonesty from 2014 and had subsequently failed to declare the offence on the application to be licensed.

Members reasoned that despite claims made to the Licensing Service by the applicant which suggested that a friend had completed the application on his behalf, the relevance of the offence combined with the non-disclosure of that offence led to an impression that the applicant was not trustworthy and therefore unsuitable to become a licensed driver.

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.

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NOTE: Councillor Hobson left before consideration of the case and took no part in the subsequent discussion or decision. Therefore the Vice-Chairman, Councillor Hunter assumed the role of Chairman during consideration of the case.

Background papers: exempt

6 USE OF DELEGATION OF POWERS - REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee noted the use of delegated powers by the Licensing Enforcement and Health and Safety Manager in the period since the last Sub-Committee meeting on 12 November 2019.

Mr Pettrak reported that under the delegated powers and in consultation with the Chairman, on Friday 29 November 2019, a Private Hire and Hackney Carriage driver had been involved in conduct that placed a member of the public at risk of serious harm. His behaviour was deemed to fall well short of the standards expected of a licensed driver.

The Sub-Committee considered the case as presented and it was acknowledged that the offence had been serious. However, some Members reasoned that the given the circumstances surrounding the incident, perhaps some but not all of the driver's actions had been proportionate.

Resolved: The Sub-Committee noted the decision taken on 4 December 2019 to revoke with immediate effect, the Hackney Carriage and Private Hire Vehicle driver's licence, in respect of the following case:

M.E.L (Existing Hackney Carriage and Private Hire driver)

NOTE: Councillor Hobson once again assumed the role of Chairman for consideration of the Item.

Background papers: exempt

7 DATE OF NEXT MEETING

The date of the next scheduled meeting was noted as 21 January 2020.

Chairman

(The meeting ended at 6.27 pm)

Any queries regarding these minutes, please contact:
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