

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 OCTOBER  
2020**

**Present:**

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP  
Critchley

Farrell  
Hunter

D Scott  
R Scott

Wilshaw

**In Attendance:**

Sharon Davies, Solicitor

John Greenbank, Democratic Governance Senior Adviser (Scrutiny)

Lee Petrak, Trading Standards and Licensing Manager

Ryan Ratcliffe, Licensing Officer

**1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

**2 EXCLUSION OF PRESS AND PUBLIC**

**Resolved:** That under Paragraph 1 of Section 100 (A) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the whole item, including the decisions referred to at agenda items 3, 4 and 5.

**3 MINUTES OF THE LAST MEETING HELD ON 8 SEPTEMBER 2020**

**Resolved:** That the minutes of the meeting held on 8 September 2020 be approved and signed by the Chairman as a correct record.

**4 HORSE DRAWN HACKNEY CARRIAGE DRIVERS LICENCES**

The Public Protection Sub-Committee considered Horse Drawn Hackney Carriage Drivers Licence applications where the applicants had been convicted of offences or who had otherwise given reasons for concern.

- (i) C.N.F.

Mr Ryan Ratcliffe, Licensing Officer, presented the case to the Sub-Committee. He informed Members that CNF was an existing Horse Drawn Hackney Carriage Driver who had held their licence since 2001.

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Members were informed that CNF had been observed by Mr Dave Verity, Licensing Enforcement Officer, driving through and red light and turning in contravention to road signage while on the promenade. The incident had taken place at the junction with Chapel Street, where CNF had turned from the right hand ahead only lane across the left hand lane. At the time of the incident CNF had also been carrying two passengers.

It was also noted that Hackney Carriage Drivers turning in contravention to road signage on the promenade had been an ongoing problem. The Licensing Service therefore had recommended that CNF receive the minimum of a suspension.

CNF joined the meeting and informed Members of the Sub-Committee that they had not acted inappropriately or endangered their horses, passengers or any other members of the public. They added that in executing the turn no traffic had been held up or other issues caused. CNF also asked Members to note that 2020 had been a difficult year for Horse Drawn Hackney Carriage Drivers due to the Covid-19 lockdown and many were facing financial hardship.

Mr Ratcliffe queried if CNF had seen the red light when they turned their carriage. CNF responded that they were not aware of the light but had turned once it was safe to do so while other traffic had remained stationary. Mr Ratcliffe further enquired why CNF had been in the wrong lane before turning and if CNF's intention had been to jump the queue of traffic. In reply CNF stated that they had been in the ahead only lane in order to avoid the perfume stands on the side of the road but there had been no intention to jump the queue of traffic.

Mr Lee Petrak, Trading Standards and Licensing Manager, asked if CNF had seen the red light before they had turned. CNF replied that they had not but that they had been driving a horse drawn hackney carriage since 1987 and had not had an accident during this time. Mr Petrak also asked if CNF was aware of the layout of the traffic junction and that they had broken the rules of the road in turning. CNF accepted that they had been wrong on this occasion, but that the practice was common among Horse Drawn Hackney Carriage Drivers and stated that they would not perform a similar manoeuvre in the future.

The Sub-Committee considered the information submitted by all parties and resolved that as the standard of driving in this case had fallen well below that expected of a licensed driver CNF's licence should be suspended for two weeks. This suspension would take immediate effect because by ignoring road signage, passengers and other road users had been put at risk.

**Resolved:** That CNF's Horse Drawn Hackney Carriage Drivers Licence be suspended for two weeks with immediate effect.

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(ii) G.F.

Mr Ryan Ratcliffe, Licensing Officer, presented the case to the Sub-Committee. He informed Members that GF was an existing Horse Drawn Hackney Carriage Driver who had been observed by Mr Dave Verity, Licensing Enforcement Officer, turning in contravention to road signage while on the promenade.

GF joined the meeting and explained that they had intended to continue ahead in the right lane but had changed their mind once they had reached the junction. Although GF accepted that they had been wrong in turning across the left hand lane, they had only turned due to it being clear and safe for them to do so. GF also stated that they recognised they should not have undertaken the turn and they would not do so again.

The Sub-Committee considered the information submitted by all parties and resolved that as the standard of driving in this case had fallen below that expected of a licensed driver GF's licence should be suspended for two weeks. This suspension would take immediate effect because, by ignoring road signage, passengers and other road users had been put at risk.

**Resolved:** That GF's Horse Drawn Hackney Carriage Drivers Licence be suspended for two weeks with immediate effect.

(iii) D.R.T.L.

Mr Ryan Ratcliffe, Licensing Officer, presented the case to the Sub-Committee. He informed Members that DRTL was an existing Horse Drawn Hackney Carriage Driver who had been observed by Mr Dave Verity, Licensing Enforcement Officer, turning in contravention to road signage while on the Promenade.

DRTL joined the meeting and explained that while travelling from the Sandcastle Waterpark to the fast food restaurant on Chapel Street a child had thrown a firework style banger near to their horses which had resulted in the horse moving towards the left hand lane when the carriage had been originally intending to turn right into Chapel Street. As the child remained in the vicinity of Chapel Street, DRTL changed decided to go straight on at the junction instead to drop the passengers at a nearby rank.

Mr Verity stated that while he had observed DRTL's movements he had not witnessed any horses reacting to the bangers being thrown nor had he seen DRTL indicate to show their intention to change lanes.

The Committee asked if there had been any cars in the left hand lane before DRTL moved across it to turn left. DRTL replied that there had been cars in the lane but they had allowed the carriage to move in front of them after they had indicated their intention to do so.

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The Sub-Committee considered the information submitted by all parties and resolved that as the standard of driving had fallen below the standard expected of a licensed driver DRTL's licence should be suspended for two weeks. This suspension would take immediate effect because, by ignoring road signage, passengers and other road users had been put at risk.

**Resolved:** That DRTL's Horse Drawn Hackney Carriage Drivers Licence be suspended for two weeks with immediate effect.

(iv) T.W.C.

Mr Ratcliffe presented the report which outlined that TWC was a new applicant for a Horse Drawn Hackney Carriage Drivers Licence. TWC had previously held a licence which expired in September 2020. Although TWC would have been able to submit a renewal application they had not submitted their application in time and therefore the Sub-Committee had been asked to consider TWC as a new applicant.

As part of the application process the Licensing Service had identified previous cautions for TWC in addition to a new conviction received in July 2020 for driving without insurance. In line with the Horse Drawn Hackney Carriage Drivers Convictions Policy, the Sub-Committee was therefore asked to consider if TWC was a fit and proper person to hold a licence.

The Sub-Committee noted that the conviction would not have been immediately highlighted if TWC had renewed their licence on time. It would however have come to light during Drivers' annual Driver and Vehicle Licensing Agency checks.

TWC joined the meeting and explained that they had failed to insure themselves due to a miscommunication whereby they had failed to make an insurance payment. They contributed this error to their limited knowledge of IT.

The Sub-Committee considered the information submitted by all parties and resolved that TWC be granted a Horse Drawn Hackney Carriage Drivers Licence but that they also receive a warning letter in relation to their failure to disclose the conviction for driving without insurance.

**Resolved:** That the licence in respect of TWC be granted and that a warning letter be sent, in respect of their failure to inform the Licensing Service of the conviction they received, indicating that if they were brought before the Sub-Committee again at any point in the future, then suspension or revocation of the Licence would be the likely outcome.

**5 MOTIONS MOVED, SECONDED, VOTED UPON AND LOST**

During consideration of the referral for CNF to determine if they were a fit and proper person to hold a Horse Drawn Hackney Carriage Licence, the following motion was moved, seconded, voted upon and lost:

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“That in case of CNF. the referral for consideration to determine if they are a fit and proper person to hold a Horse Drawn Hackney Carriage Driver’s Licence be subject to a one week suspension.”

**6 PRIVATE HIRE DRIVERS LICENCE**

The Public Protection Sub-Committee considered a Private Hire Drivers Licence holder who had been convicted of an offence or otherwise given reason for concern.

(i) J.B.B.

Mr Ryan Ratcliffe, Licensing Officer, presented the report outlining that JBB had submitted an application to be licensed as a Private Hire Driver. During Driver and Vehicle Licensing Agency (DVLA) check for JBB it had been highlighted that they had been convicted using a mobile device while driving and received three penalty points during March 2020, which had not been declared on their application form. In line with the Council’s Hackney Carriage and Private Hire Convictions Policy it was therefore recommended that JBB receive a Severe Warning letter.

JBB joined the meeting and explained that the failure to disclose the convictions had been an error as they had not properly understood the form when they had filled it out or realised that the offence they had committed was classed as a conviction. They further explained that they had used their mobile while driving in order to find a petrol station, which due to the nature of their work had to be from a specific supermarket provider. However they recognised that this had been a mistake.

The Sub-Committee considered the information submitted by all parties and resolved that JBB’s application be granted but that a severe warning letter be sent in respect of their failure to disclose the conviction they had received.

**Resolved:** That the licence in respect of JBB be granted and that a severe warning letter be sent, in respect of their failure to inform the Licensing Service of the conviction they received, indicating that if they were brought before the Sub-Committee again at any point in the future, then suspension or revocation of the Licence would be the likely outcome.

(ii) J.P.G.

The Chairman informed the meeting of a request to defer the hearing of the referral to consider if JPG was a fit and proper person to hold a Private Hire Drivers Licence. Ms Sharon Davies, Solicitor, explained that JPG was currently unavailable to attend the hearing as they were out of the country and that as a result of this the Sub-Committee could either choose to defer the referral or consider it in JPG’s absence.

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In order to ensure JPG received a fair hearing and was able to present their case the Sub-Committee agreed to defer the referral to a special meeting to be held before the next scheduled meeting.

**Resolved:** That consideration of the referral to consider if JPG is a fit and proper person to hold a Private Hire Drivers Licence be deferred to a special meeting of the Public Protection Sub-Committee.

**7 DATE OF THE NEXT MEETING**

That the date of the next meeting be confirmed as 3 November 2020.

**Chairman**

(The meeting ended 7.50 pm)

Any queries regarding these minutes, please contact:  
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