

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 23 FEBRUARY 2021

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP
Collett

Critchley
Farrell

Hunter
D Scott

R Scott
Wilshaw

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager
Sarah Chadwick, Democratic Governance Advisor
Sharon Davies, Senior Solicitor

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 Part 1 of Schedule 12A of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of Agenda Item Three, Horse Drawn Hackney Carriage Driver, and Agenda Item Four, Private Hire Driver.

3 MINUTES OF THE LAST MEETING HELD ON 19 JANUARY 2021

Resolved: That the minutes of the meeting held on 19 January 2021 be approved and signed by the Chair as a correct record.

4 HORSE DRAWN HACKNEY CARRIAGE DRIVER

The Public Protection Sub-Committee considered a Horse Drawn Hackney Carriage Driver Licence applicant, DKS, who had been convicted of offences or who had otherwise given reasons for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case to the Sub-Committee. He informed Members that DKS was an existing Horse Drawn Hackney Carriage Driver who had applied to renew their licence in September 2020. On 9 February 2021 the Licensing Service received the results of a DVLA check for DKS which showed 6 penalty points from July 2019 for using a vehicle whilst uninsured. Mr Ratcliffe reported that DKS failed to disclose this conviction on their latest application form. Referring to the Council's Horse Drawn Hackney Carriage Driver convictions policy he recommended that, although the Sub-Committee may consider it an isolated offence, as it had occurred within the last three years a minimum of a strict warning should be given.

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In response, DKS explained that the incident occurred when they borrowed the vehicle of a seriously ill family member which they had mistakenly understood to be insured at that time. DKS informed Members that due to the long-term illness and subsequent passing of this family member it had been a stressful period which resulted in an oversight in failing to disclose the conviction on their application form.

The Sub-Committee considered the information submitted by all parties and agreed that a strict warning letter should be issued.

Resolved: That a strict warning letter be issued in respect of the incident that in the event of future issues the licence may be suspended or revoked, and any future non-disclosure of convictions may result in prosecution.

5 PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a licence holder, MSC, who had been convicted of offences or who had otherwise given reasons for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case to the Sub-Committee. He informed Members that MSC was an existing Private Hire Driver's licence holder who had previously appeared before the Sub-Committee in March 2009 in relation to a breach of smoking regulations and two traffic offences, and was issued a warning letter in relation to future conduct at that time.

Members were advised that since the warning letter was issued, MSC had been issued 18 points on their driving licence over a period of eight years for six separate speeding offences and currently had nine "live" points on their licence. Mr Ratcliffe further reported that MSC had failed to notify the Licensing Service of their three most recent traffic offences. He concluded that MSC's driving record since first being licensed in February 2008 was below the standard expected of a licensed driver and recommended the minimum of a suspension.

In response, MSC expressed their regret and stated that since the three most recent offences, which had accumulated nine penalty points over a twelve month period, they had driven more cautiously due to a fear of potentially losing their licence and hence their livelihood. MSC advised the Sub-Committee that the offences were accrued when driving at night whilst the roads were quieter and when no passengers were in their vehicle. When Mr Ratcliffe questioned why none of the three recent offences had been reported to the Licensing Service, MSC stated that this was an oversight.

The Sub-Committee indicated their concerns at the number of offences committed and the failure of the licence holder to report the convictions to the Licensing Service. In addition, as the offences had been accumulated over a number of years and continued to be accrued after attendance at a speed awareness course, Members were not satisfied that the licence holder's standard of driving would improve in the future.

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The Sub-Committee carefully considered the information provided by both parties. The number of convictions accrued and failure to notify the Licensing Service was considered extremely serious which fell well below the standards expected from a licensed driver. Whilst the remorse of the driver was noted, Members considered revoking the licence but decided it would not be proportionate and so agreed to impose a six week suspension.

Resolved: To suspend MSC's Private Hire Driver Licence for a period of six weeks and that a severe warning be issued that future non-disclosure of convictions would result in prosecution.

6 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 23 March 2021.

Chairman

(The meeting ended 7.02 pm)

Any queries regarding these minutes, please contact:
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