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MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 JANUARY
2022

Present:

Councillor Hutton (in the Chair)

Councillors

Cox	Hunter	Wilshaw
Farrell	D Scott	

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor
Sharon Davies, Senior Licensing Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 EXCLUSION OF PRESS AND PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from agenda item three as that item contained information which was exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

It considered that the public interest would not be served by allowing the information to be held in open session due to the sensitive information about individuals outlined.

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 Licence.

3 MINUTES OF THE LAST MEETING HELD ON 7 DECEMBER 2021

Resolved: That the minutes of the meeting held on 7 December 2021 be approved and signed by the Chair as a correct record.

4 HORSE DRAWN HACKNEY CARRIAGE DRIVER LICENCE

The Sub-Committee considered a licence holder, C.B., who had been reported for offences and had given the Licensing Authority cause for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that C.B. had been licensed as a Horse Drawn Hackney Carriage Driver since 14 September 2021. On 22 October 2021 they had been observed by a Council Public Protection Officer driving their carriage without the vehicle sidelights in operation. C.B. was given the opportunity to resolve the issue at the roadside but as they were unable to do so the carriage was temporarily suspended from use due to public safety concerns.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 JANUARY
2022**

The following week, on 26 October, C.B. was further observed by another Public Protection Officer using the incorrect lane on the Promenade when approaching the northbound junction with Chapel Street, causing vehicles to brake when cutting into the left lane to continue straight on. In addition, the Officer reported that C.B. was holding a mobile phone and looking at the screen whilst driving as he approached the carriage.

Mr Ratcliffe expressed concerns that despite only having recently been licensed, C.B. had been reported for three offences within the space of a week. He drew the Sub-Committee's attention to the licence conditions and the Horse Drawn Hackney Carriage Policy and recommended the minimum of a suspension of C.B.'s Horse Drawn Hackney Carriage Driver licence.

C.B. appeared before the Sub-Committee accompanied by their legal representative Mr Cobain. In respect of the incident on 22 October when the sidelights were inoperative, Mr Cobain reported that the carriage was a "Cinderella" style vehicle which was fully illuminated within the dome and he therefore argued that it had been clearly visible to other road users. A lack of familiarity with the carriage had resulted in C.B. failing to switch on the front and rear sidelights but on returning to the stables for assistance this had quickly been resolved and the carriage returned to the roadway following approval from a Council Public Protection Officer.

Mr Cobain then explained the circumstances of the two reported offences on 26 October. C.B. had admitted having their mobile phone in their hand to look at the screen, however the Sub-Committee was informed that this was to briefly check the time due to an imminent changeover of horses and that it was not being used for calling or texting. In regards to the use of the incorrect lane, C.B. advised Members that when overtaking stationary vehicles such as buses, they would from time to time find themselves in the outside lane where they would continue until a vehicle let them in, rather than risk pulling the horse up to a sudden stop. On that occasion they accepted that they should have attempted to move in sooner, but stated that other vehicles' brake lights only came on because they had slowed to allow the carriage to move in when C.B. indicated and not because they had to brake sharply.

In conclusion, Mr Cobain considered that C.B.'s case was an accumulation of minor offences which, in his opinion, were less serious than the report suggested upon further examination. He explained that C.B. was an inexperienced driver who had learned from their mistakes and requested that the Sub-Committee imposed no more than a short period of suspension.

Members considered the information provided by both parties and expressed concerns that, at the time of all three reported offences, C.B. had been carrying passengers and that their actions had potentially caused public safety concerns. The Sub-Committee noted the inexperience of the driver and their remorse and on balance concluded that a four week period of suspension be imposed but that in the event of any future incidents the licence may be revoked.

Resolved: To suspend C.B.'s Horse Drawn Hackney Carriage Driver Licence for a period of four weeks.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 JANUARY
2022**

5 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 22 February 2022 at 6.00pm.

Chairman

(The meeting ended 7.07 pm)

Any queries regarding these minutes, please contact:
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