

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 19 JULY 2022

Present:

Councillor Hutton (in the Chair)

Councillors

Cox	Hunter	Wilshaw
Farrell	D Scott	

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager
Sharon Davies, Senior Licensing Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

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 item 4 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

3 MINUTES OF THE LAST MEETING HELD ON 21 JUNE 2022

The Sub-Committee considered the minutes of the meeting held on 21 June 2022.

Resolved:

That the minutes of the meeting held on 21 June 2022 be approved and signed by the Chairman as a correct record.

4 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCES

(The Public and Press were excluded during the consideration of this item.)

The Sub-Committee considered two applications for Private Hire Driver's Licences and one for a joint Hackney Carriage and Private Hire Driver's Licence. In all three cases concerns had been raised by the Licensing Service as to the suitability of the applicants in view of their previous convictions or concerns raised by the responsible authorities.

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i) EST

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of EST who had applied for a Private Hire Driver's Licence in March 2022. As part of the application process a DVLA check had been undertaken which revealed EST had been banned from driving under the "totting up" process for receiving 12 points on his driving licence with that disqualification ending in May 2020. The Licensing Service had in May 2022 submitted an application for an enhanced DBS on behalf of EST with EST being required to return the certificate. EST had whether deliberately or accidentally returned not the enhanced but the basic DBS check which had delayed the Licensing Service receiving full information on EST's convictions. Eventually the enhanced certificate had been submitted to the Licensing Service which confirmed that EST had been convicted of a violent offence in 2017. Mr Ratcliffe expressed significant concerns that neither of these convictions had been included on EST's application form and that the submission of a basic DBS check could be perceived as an attempt to hide such convictions.

EST was in attendance and made representations to the Sub-Committee. EST explained that he had been confused by the application process but emphasised that he had not sought to mislead the Licensing Service. EST explained that the driving incident related to confusion about his insurance status and the offence of violence related to an incident with his former partner. In both cases EST emphasised that the offences were not reflective of his character.

The Sub-Committee considered carefully the evidence submitted by all parties and the Council's Hackney Carriage and Private Hire Licensing Policy. It concluded that based on the three issues identified- poor driving record with the driver's licence only having been reinstated just over 2 years ago, an offence of violence within the last 5 years and a failure to complete the application process in as complete and as honest a manner as possible that EST would not be a fit and proper person to hold a Private Hire Driver's Licence.

Resolved:

That the application for a Private Hire Driver's Licence in respect of EST be refused.

ii) AP

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of AP who had applied for a Private Hire Driver's Licence in May 2022. Mr Ratcliffe outlined that during the application process AP disclosed that he had had been convicted three times for both shoplifting and attempted shoplifting in 2017. AP had also disclosed that in the same period he had also received a ban from driving. Mr Ratcliffe highlighted the Council's Hackney Carriage and Private Hire Licensing Policy particularly paragraph 9.1 and 9.2 dealing with offences of dishonesty where the policy stated that normally applications with more than one offence of that nature would not be considered suitable to hold such a licence.

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AP was in attendance and made representations to the Sub-Committee. AP explained that the offences were all out of character and had occurred during a period of mental health crisis in effect being a “cry for help” rather than genuine displays of dishonesty. AP had since sought successful treatment and had remained free of convictions since that date a period of five years. AP expressed remorse but asked the Sub-Committee to consider his record which was without issue before and since that traumatic period.

The Sub-Committee considered carefully the evidence submitted by all parties and the Council’s Hackney Carriage and Private Hire Licensing Policy. It balanced its concern about AP’s convictions with the time that had elapsed since the offences and AP’s state of mind at the time of offences combined with his good character since receiving treatment. It could considered on balance that AP now represented a fit and proper person to hold such a licence but that a warning should be issued as to further conduct.

Resolved:

That the application for a Private Hire Driver’s Licence in respect of AP be granted subject to a warning letter outlining that in the case of further issues the licence could be revoked or suspended.

iii) KB

The Sub-Committee considered the application from KB for a New Hackney Carriage and Private Hire Driver’s Licence. The Sub-Committee was informed that KB had notified the Licensing Service that he would be unable to attend the meeting due to surgery and had requested that the application be deferred to a future meeting.

The Sub-Committee considered that the request was a reasonable one but expressed its wish for the application to be dealt with in a timely manner. It therefore agreed to defer consideration to the next normal meeting of the Sub-Committee.

Resolved:

That the application for a Hackney Carriage and Private Hire Driver’s Licence in respect of KB be deferred to the meeting on the 7 September 2022.

5 DATE OF NEXT MEETING

The Sub-Committee noted the date of the next ordinary meeting of the Sub-Committee as 7 September 2022.

The Sub-Committee noted that due to the deferral of consideration of applications for Sexual Entertainment Venue Licences that a special meeting would be held on the 2 August 2022.

Chairman

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(The meeting ended at 6.55 pm)

Any queries regarding these minutes, please contact:
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