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MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 21 FEBRUARY 2023

Present:

Councillor Hutton (in the Chair)

Councillors

Farrell

Hunter

D Scott

Wilshaw

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager

Sharon Davies, Senior Licensing Solicitor

Lee Petrak, Licensing and Trading Standards Manager

Ryan Ratcliffe, Licensing Enforcement Officer

Tyrone Wassell, Democratic Governance Advisor

1 DECLARATIONS OF INTEREST

Councillor Wilshaw declared a prejudicial interest in Agenda Item 4, Hackney Carriage and Private Hire Driver Licences. The nature of the interest being that he went to school with one of the applicants (SFR), Councillor Wilshaw knew SFR and had knowledge of the incident at the time.

2 MINUTES OF THE LAST MEETING HELD ON 17 JANUARY 2023

The Sub-Committee considered the minutes of the last meeting held on 17 January 2023.

Resolved: That the minutes of the meeting held on 17 January 2023 be approved and signed by the Chairman as a correct record.

3 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.

4 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Sub-Committee considered applicants and licence holders who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

Councillor Paul Wilshaw having declared a prejudicial interest left the meeting at this point.

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i) SFR

Mr Ryan Ratcliffe Trading Standards and Licensing Enforcement Officer, presented the case for the Licensing Authority in relation to of SFR, who had applied for a new Private Hire and Hackney Carriage Licence. Mr Ratcliffe, informed the Committee that On 10 September 2022 an application had been received from SFR, and as part of the application process a DBS check had been completed, on the 2 February 2023 the check had revealed a prior conviction of a sexual nature. Mr Ratcliffe advised that the conviction had been disclosed on SFR's application form, however Mr Ratcliffe continued to add the nature of historic conviction would be in contravention to section 5.1 of the Council's Hackney Carriage and Private Hire Licencing Conviction's policy, Mr Ratcliffe urged the Sub-Committee to give careful consideration to any mitigating circumstances surrounding the offence and clean conviction record since the time of the incident.

SFR had attended and appeared before the Sub-Committee. SFR requested the Sub-Committee grant the application for a new Private Hire and Hackney Carriage Licence. SFR informed the Sub-Committee that the incident which had led to the conviction happened when they were 16 and was outlying on an otherwise clean record. SFR had since held other licences and positions of responsibility without incident.

The Sub-Committee agreed that exceptional circumstances applied and therefore would be reasonable to depart from the Council's policy The Sub-Committee considered the circumstances around the conviction and the considerable time that had elapsed since, including the decades of clean record.

Resolved:

That the application for a Hackney Carriage and Private Hire Driver's Licence in respect of SFR be granted.

Councillor Wilshaw returned to the meeting at this point.

ii) MCM

Mr Ryan Ratcliffe presented the case for the Licensing Authority, an existing Licence Holder had given cause for concern. In February 2023, MCM notified the Licensing Service that they had been given an official Police caution by Lancashire Constabulary for the Possession of a controlled Class B drug. The Sub-Committee was asked to decide whether MCM remained a fit and proper person to be licensed.

MCM had appeared before the Sub-Committee and spoke about the circumstances which had led to the police caution and requested the Sub-Committee allow them to keep their licence.

The Sub-Committee weighed the conditions under which MCM had accepted a police caution and had decided on reflection of the events presented before them there were no exceptional circumstances to convince the Sub-Committee to depart from the Hackney Carriage and Private Hire Licence Policy. The Sub-Committee therefore decided to revoke the Hackney Carriage Licence from MCM.

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Resolved:

To revoke the Hackney Carriage Driver's Licence in respect of MCM.

Councillor D Scott entered at this point of the meeting.

iii) APM

Lee Petrak, Trading Standards and Licensing Manager presented the case of the Licensing Authority to the Sub-Committee. APM had been involved in a serious road traffic incident, knowledge of which had made its way into the public domain and had been subject to an ongoing police investigation at the time of the Sub-Committee meeting. Mr Petrak advised the Sub-Committee that with the exception of the incident that had brought APM before the Sub-Committee the Police had described APM's driving record as "impeccable" which Mr Petrak also endorsed.

APM had already been interviewed under the delegated powers granted to the Trading Standards Licensing Manager in December 2022 regarding the incident that had occurred which had resulted in a serious road traffic collision. APM and a representative had appeared before the Sub-Committee to present their case for fitness and propriety. They had furnished the Sub-Committee with their knowledge of the incident and had asked the Sub-Committee to keep their licence in the face of the information presented by Mr Petrak and by their own account of the event.

The Sub-Committee evaluated the strength of APM's character and the details of the event it was agreed that no further action should be taken at this point, however the Sub Committee retained the right to reconsider the circumstances of this incident following the conclusion of any criminal proceedings.

Resolved:

That in the respect of APM's Hackney Carriage Driver's licence no further action would be taken.

iv) MCE

Mr Ryan Ratcliffe presented a report to the Sub-Committee about a serious road accident involving MCE, who had denied the offence, and had not attended the meeting on the advice of their solicitor. As court proceedings had not yet been determined The Sub-Committee agreed that, based on the written evidence submitted and MCE's denial of the road traffic accident having taken place, to at this point in time take no further action.

The Sub Committee retained the right to reconsider the circumstances of this incident following the conclusion of any criminal proceedings.

Resolved:

That in the respect of MCE's Private Hire Driver's Licence, no further action would be taken.

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v) TPS

Mr Ratcliffe presented a report about a new applicant for a Hackney Carriage Licence, TPS, who had previously held such a licence with the Local Authority. TPS had their licence suspended by the Licensing Manager under delegated powers on 3 May 2017, following information received from the Police that on Wednesday 3 May 2017, TPS had been convicted of two serious offences related to driving a motor vehicle and had been disqualified from driving. Therefore at the time of the meeting it had been 4 years and 8 months since TPS's disqualification had ended which had been less than the seven years recommended by the policy

The relevant Hackney Carriage and Private Hire Licensing policy stated that under these circumstances an applicant should not normally be granted a licence again until 7 years since the completion of the driving ban, however TPS had applied in under the recommended 7 year time frame stated within the policy. TPS had requested the Sub-Committee depart from their policy and grant the application of the licence, however the Sub-Committee considered that there were no exceptional circumstances presented to justify the departure from the policy and the Sub-Committee decided to refuse the application.

Resolved:

To refuse TPS's application for a Hackney Carriage Driver's Licence.

5 DATE OF NEXT MEETING

The date of the next meeting was noted as 28 March 2023.

Chairman

(The meeting ended 7.20 pm)

Any queries regarding these minutes, please contact:

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