

PUBLIC PROTECTION COMMITTEE

Tuesday, 30th June, 2015
Time of Commencement: 7.00 pm

Present:- – in the Chair

Councillors Braithwaite, Dymond, L Hailstones, P Hailstones, Harper,
Kearon, Matthews, G Williams and Winfield

Officers

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Apologies

Councillor(s) Allport and Wemyss

1. DECLARATIONS OF INTEREST

Cllr Harper declared an interest in item 9 on the agenda as he worked for the same company as the applicant.

2. MINUTES OF PREVIOUS MEETING

Resolved: That the minutes of the previous meeting be agreed as a correct record.

3. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration if the following matter because it is likely that there will be disclosure of exempt information as defined in paragraphs 1,2, and 7 in Part 1 of Schedule 12A of the Local Government Act, 1972.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

A report was submitted to inform the Committee of an application for the grant of a Hackney Carriage Driver's Licence.

The process required the applicant to provide an enhanced disclosure from the Disclosure and Barring Service. The disclosure provided revealed that in August 2013 the applicant was convicted at Cambridge Crown Court for possessing an offensive weapon in a public place and for going equipped for theft (other than theft of motor vehicle) Following this the applicant appeared before North Staffordshire magistrates for failing to comply with the requirements of a community order which had been imposed on him when he appeared in Court for the offences previously outlined. The disclosure also reveals that he had been cautioned in September 2010 by Hertfordshire Constabulary for sending a letter or other article conveying an indecent or grossly offensive message.

The Committee considered the report, the Council's Guidelines for Convictions and the evidence provided by the applicant.

Resolved:

That the application be refused in line with the Council's Guidelines of Convictions.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

A report was submitted to inform the Committee of an application received from for the grant of a Private Hire Drivers licence who had a caution for an offence which fell within the Councils guidelines for the relevance of convictions.

The process requires the applicant to provide an enhanced disclosure from the Disclosure and Barring Service. The disclosure revealed that in July 2014 the applicant had received a caution from Staffordshire Police for possessing a controlled drug – class A –Cocaine.

The Committee considered the report, the Council's Guidelines for Convictions and the evidence provided by the applicant.

Resolved:

That the application be refused in line with the Council's Guidelines on Convictions.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

A report was submitted to inform the Committee of an application for the grant of a Hackney Carriage Driver's Licence.

The disclosure provided by the applicant revealed that in August 2011 the applicant was cautioned by Staffordshire Police for theft. Further, the applicant's driving licence revealed that in April 2008 he was disqualified from driving for six months. This was followed by a fixed penalty and 3 points on the licence for the offence coded SP30 – which is a speeding offence. The applicant was fined £525 in December 2010 and given six penalty points for the offence coded IN10, which is for having no insurance.

The Committee considered the report, the Council's Guidelines on Convictions and the evidence provided by the applicant.

Resolved:

That the licence be granted for 12 months following which Officers would review the licence and if satisfied by the conduct of the applicant, extend the licence for the full three years.

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

A report was submitted to inform the Committee of an application received for the grant of a Private Hire Driver's Licence.

The disclosure and the driving licence provided by the applicant revealed that he had been convicted for drink driving on two separate occasions the first in September 2005 for which he was fined £200 and disqualified from driving for twelve months and the second in August 2008 when he was fined £300 and disqualified for 3 years.

The disclosure further revealed that in 2002 the applicant was sentenced to 45 months imprisonment for possessing a class A drug with the intent to supply and that in May 2010 he was sentenced to 4 years imprisonment for causing grievous bodily harm.

The Committee considered the report and the Council's Guidelines for Convictions and the evidence put forward by the applicant.

Resolved:

That the application be refused in line with the Council's Guidelines on Convictions and due to the accumulation and severe nature of the offences.

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

A report was submitted to inform the Committee of a request to re-licence a Private Hire vehicle outside the Councils Taxi licensing Policy.

The applicant cited the fact that he had been suffering from ill health for some time and as a result of this he found himself in a difficult financial position.

The applicant confirmed that his current vehicle would not be in a condition to pass the exceptional condition test.

The Committee considered the report and the evidence provided by the applicant.

Resolved:

That the applicant be permitted to have his vehicle tested under the standard testing schedule at the Council's depot and that should the vehicle pass this test it will be re-licensed for two months only. A fee will be charged for this which will be a proportion of the normal annual fee.

9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

A report was submitted to inform the Committee of a request submitted to re-licence a vehicle outside of the Council's Taxi licensing Policy.

A letter dated 15th June 2015 had been received which cited the applicant's emergency visit to Pakistan on the 18th February 2015 with his wife and 2 young children to care for a relative (mother in law) who was seriously ill, and then the subsequent illness of both his young children which resulted in them requiring hospitalisation.

The Committee considered the report and the evidence provided by the applicant.

Resolved:

That the request be granted and that should the licence be granted it run from the expiry date of the previous licence.

10. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

A report was submitted to inform the Committee of the actions of a driver who was currently licensed by the authority as a Private Hire Driver.

On the 10th June 2015 the Council's licensing manager had received an email from a Police officer which was detailed in the report highlighting the events of Wednesday 10th June 2015.

The driver had also failed to attend or contact the Council regarding a scheduled interview with the Council's enforcement section.

The driver was not in attendance at the meeting.

The Committee considered the report.

Resolved:

That the private hire driver's licence be revoked with immediate effect due to:

- 1) Being unable to produce his private hire driver badge in contravention of.....;
- 2) On the balance of probabilities that he was guilty of drug driving;
- 3) His lack of adherence to the Council's Policy and Guidelines and failure to make contact or attend the meeting that was scheduled.

11. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICES

A report was submitted to advise the Committee of action taken in respect of littering offences within the borough and to seek authorisation to institute legal proceedings against the Fixed Penalty Notice holders listed in the Appendix.

Resolved:

That legal proceedings be instituted in the relation to the cases detailed in Appendix A.

12. FLY TIPPING OFFENCE - AUTHORITY TO ACT

A report was submitted to advise the Committee of action taken in respect of a fly tipping offence within the Borough and to seek authorisation to institute legal proceedings.

Resolved:

That subject to review by the legal section, legal proceedings be instituted in relation to the case mentioned below.

13. FLY TIPPING OFFENCE - AUTHORITY TO ACT

A report was submitted to advise the Committee of action taken in respect of a Fly tipping offence within the Borough and to seek authorisation to institute legal proceedings.

Resolved:

That subject to review by the Legal Section, legal proceedings be instituted in relation to the case mentioned below.

14. NOISE COMPLAINT -MR Y

A report was submitted to advise members of the enforcement action taken to date in relation to a noise complaint of banging throughout the night time period and to obtain members view and decision regarding instituting legal proceedings.

The Council had a statutory duty to investigate noise complaints under the Environmental Protection Act 1990 and the Anti-social Behaviour, Crime and Policing Act 2014. Formal statutory notices had been served under both these aforementioned Acts, which to date had not brought about a change in behaviour or abatement of the noise. The Council had powers to undertake further legal action in relation to these two Acts to endeavour to resolve this noise issue.

Resolved:

- a. That in respect of breaches of the noise abatement notice (NAN) (Environmental Protection Act 1990) that Mr Y is offered a formal caution, if this is not accepted then legal proceedings be instituted.
- b. That following a, should further breaches of either the CPN and NAN occur that civil injunction proceedings are instituted against Mr Y under part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014.

15. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICES

Resolved: That the report be received.

16. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

Resolved: That the report be received.

17. FOOD SAFETY SERVICE PLAN 2015/16

An information report was submitted to make the committee aware of the work planned by the Food and Safety team in 2015/16 along with a review of last year's performance.

Resolved: That the report be received

18. ENVIRONMENTAL HEALTH SERVICE ANNUAL REPORT 2015

A report was submitted to inform Members of the key issues and activities undertaken by the Environmental Health Service in 2014/2015.

Resolved:

- (a) That Committee receive the report and supports the priorities for 2015/2016 work plan.
- (b) That at the next review the Committee consider the inclusion of policies relating to dog control and fouling and associated penalties.

19. FLY TIPPING OFFENCE

A report was submitted to advise the Committee of the action taken in respect of a Fly Tipping offence within the Borough.

Resolved: That the report be received.

20. LGA PEER REVIEW

Resolved: That the report be deferred to another date to be agreed with the Chair and Officers.

21. URGENT BUSINESS

There was no Urgent Business.

Chair

Meeting concluded at 9.30 pm