

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 3rd July, 2019
Time of Commencement: 6.00 pm

Present:- Councillor Mark Olszewski – in the Chair

Miss J. Cooper S. Dymond A. Parker

Officers: Jayne Briscoe - Democratic Services Officer
Matthew Burton - Licensing Administration Team Manager
Anne-Marie Pollard - Solicitor
Melanie Steadman – Licensing Assistant

1. APPOINTMENT OF CHAIR

Resolved: That Councillor Olszewski be appointed Chair for this meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. APOLOGIES

An apology was received from Councillor Kearon who was represented by Councillor Julie Cooper.

4. DISCLOSURE OF EXEMPT INFORMATION

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

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Health Services submitted a report concerning an application from driver AA for the renewal of a current Dual Hackney Carriage and Private Hire Drivers Licence. Driver AA had been given a limited 12 month licence (24/07/2018) and asked to return to Committee on renewal. Driver AA attended this Committee on 13/02/2019 at which time a 4 week suspension was given for a traffic offence. The suspension was subsequently appealed and dismissed by the Magistrates Court following the non-attendance of driver AA.

Driver AA attended the Committee and explained the reason for not attending the Court hearing and stated that the limited 12 month licence had brought with it a positive effect and apologised for the traffic offence.

Resolved: That driver AA be granted a further 12 month temporary licence, if there are no further offences during this period of time the licence to be renewed administratively for the remainder of the 3 year period.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Health Services submitted a report concerning a new application for a Dual Hackney Carriage and Private Hire Drivers Licence from driver MB. The application process had revealed that driver MB had a conviction which fell within the Council guidelines for the relevance of convictions.

Driver MB attended the Committee with a friend and explained the circumstances surrounding the offences which had been committed over 10 years previously.

The Committee took time to consider the application and had concerns regarding the offences and the way in which the application form was completed and the standard of English spoken. Driver MB was reminded of the requirement to report any offence in accordance with Council Policy.

In reaching a decision the Committee were persuaded by the remorse shown by the applicant, noted the age and maturity of the applicant at the time of the offences and also the willingness of the Driver MB to make good and concerted efforts to improve the standard of English spoken.

Resolved: That driver MB be granted a limited 12 month licence and be sent a stern warning as to future conduct. If there are no further offences during this 12 month period of time the licence is to be renewed administratively for the remainder of the 3 year period.

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Health Services submitted a report concerning driver MK, a current Dual Driver, who had notified the Authority marginally outside the time specified within the policy of a conviction which was relevant under the Council's guidelines. At the time of the offence Driver MK was not carrying passengers nor in a licensed vehicle.

Driver MK attended the Committee and explained the circumstances to the offence and also outlined the circumstances surrounding a previous offence which occurred in 1990.

The Committee were satisfied with the explanations given.

Resolved: That Driver MK be sent a warning letter as to future conduct.

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Health Services submitted a report concerning a new application from driver MW for a new Dual Hackney and Private Hire Drivers Licence that had revealed a conviction that fell within the Council's guidelines for the relevance of convictions. Driver MW had been refused a licence at a previous meeting of this Committee (18/09/2018).

Driver MW attended the Committee together with a solicitor, Mr Khan, who presented the case on behalf of driver MW. Mr Khan stated the report was accurate and made a plea for compassion. Mr Khan asked the Committee to take into account the length of time which had elapsed since conviction and the circumstances which led up to

the offences. The Committee took some time to reach a conclusion but were impressed by the way in which the applicant, who was clearly remorseful, had sought rehabilitation.

Resolved: That driver MW be granted a temporary licence for 12 months with a warning as to future conduct. If no further complaints are received the licence is to be renewed administratively at the end of this period of time for the remainder of the 3 year period.

9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Health Services submitted a report concerning a new application for a Dual Hackney Carriage and Private Hire Drivers Licence which had revealed a conviction that fell within the Council's guidelines for the relevance of convictions.

Driver RA attended Committee and was accompanied by Mr Schiller, a solicitor and a friend of driver RA.

Mr Schiller outlined the circumstances to the offence which had occurred in 2009 and explained that the applicant had fully engaged with all the requirements relating to the matter and was now rehabilitated and living in a family situation.

The Council's solicitor questioned driver RA and the applicant had a level of difficulty in understanding and responding in English. It was noted that the applicant did not express remorse for the offence.

Following detailed consideration of the application and due to the nature and seriousness of the conviction, which occurred in a licensed vehicle, the Committee saw no reason to depart from the policy and therefore the licence was not granted.

Resolved: That the application from driver RA be refused.

10. URGENT BUSINESS

There was no urgent business.

COUNCILLOR MARK OLSZEWSKI
Chair

Meeting concluded at 8.20 pm