

## **PUBLIC PROTECTION SUB-COMMITTEE**

Wednesday, 28th August, 2019  
Time of Commencement: 2.00 pm

**Present:-** Councillor Miss Julie Cooper – Chair

Councillors: J. Cooper R. Wright

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

### 1. **APPOINTMENT OF CHAIR**

**Resolved:** That Councillor Julie Cooper be appointed Chair for the meeting.

### 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 3. **APOLOGIES**

An apology was received from Councillor Parker

### 4. **DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:-** That the 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 incident that had occurred and was been reported on 7 June 2019 relating to driver DJ, the holder of an existing Dual Hackney Carriage and Private Hire Driver licence.

Driver DJ attended the Committee together with the manager of the private hire business, TC. Members of the Committee questioned driver DJ as to the nature of the medication and driver DJ admitted that it had not been prescribed to relieve symptoms as previously stated. On hearing this members wished to defer consideration of this matter pending a report from a GP.

**Resolved:** That consideration of this matter is deferred until 2 October 2019 to allow for a visit to the GP and a subsequent report.

### 6. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976**

The Head of Environmental Health Services submitted a report concerning an application from driver ZAA for permission to have tinted rear windows which would normally fall outside Council Licensing Policy.

Driver ZAA attended the meeting with SY, Chair of the Stoke on Trent Private Hire Vehicle Association. Driver ZAA explained that the vehicle had recently failed the Councils safety test and this included the failure of the rear windows to permit a minimum of 35% transmission of light. Continuing it was explained that it was not possible to obtain clear glass for this particular vehicle and documentary evidence was circulated to support this. The applicant confirmed that the 8 seater vehicle had been purchased to carry out private hire work and not executive travel.

The Committee did not hear anything from the representations which would persuade them to make a decision which was contrary to Council Policy and took into consideration the safety of passengers and the requirement of officers to carry out enforcement.

**Resolved:** That the application be refused.

7. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976**

The Head of Environmental Health Services submitted a report concerning an application from Driver TMC, a current Dual Hackney Carriage and Private Hire licenced driver. who had notified the Council within the time period specified in the Policy of a conviction which fell within the guidelines for the relevance of convictions.

Driver TMC attended the Committee together with friend AH. Driver TMC explained that the Council was notified within the time period specified in the Policy of the conviction and added that the vehicle did not contain passengers at the time of the offence.

The Committee noted that the driver had disclosed the offence to the council and took into account the previous good driving record.

**Resolved:** That driver TMC 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 Private Hire Operator who had been prosecuted for fraud. The Director of the company, PW, attended the meeting and explained the actions which had been taken to prevent any similar breaches, including the removal of the former director from the licence. The Director PW also set out measures to ensure the business process was more tightly controlled in the future.

The Committee had grave concerns that the conditions of the licence had been breached and that relevant information had been withheld from this authority for 4 months. On the other hand members were encouraged by the straightforward way in which PW addressed the questions and carefully considered the measures which had been put in place to prevent any further issues.

**Resolved:** That a warning be issued as to future conduct.

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 by driver AH.

Driver AH attended Committee together with a friend, A. Driver AH explained that the letter dated 6 January 2017 which revoked the licence had not been received and, unaware of this, had continued to drive. With reference to the considerable number of previous offences driver AH stated that no offences had been committed in the last 15 years.

The Committee carefully considered the report together with the representations from driver AH. Members noted that there was conflicting evidence that driver AH was present at the meeting which revoked the vehicle licence but not at the meeting which revoked the drivers licence although this was the same meeting. Members also took into consideration that driver AH had allowed the vehicle to be driven in an unsafe condition which showed a disregard for the safety of passengers. Members concluded that they had not heard any evidence that would cause them to depart from Council Policy.

**Resolved:** That the application be refused.

10. **URGENT BUSINESS**

There was no urgent business.

**COUNCILLOR MISS JULIE COOPER**  
**Chair**

Meeting concluded at 4.50 pm