

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 27th November, 2019

Time of Commencement: 2.00 pm

Present: Councillor Kyle Robinson (Chair)

Councillors: J. Walklate G Williams R. Wright

Officers: Jayne Briscoe Democratic Services Officer
Matthew Burton Licensing Administration Team
Manager
Alison Hopkin
Julie Moore Licensing Officer
Anne-Marie Pollard Solicitor

1. APPOINTMENT OF CHAIR

Resolved: That Councillor Robinson be appointed Chair for this meeting of the Committee.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. APOLOGIES

There were no apologies.

4. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration of the following items 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 driver AM who had applied for a new Dual Hackney Carriage and Private Hire Drivers Licence. The report set out the nature of one conviction (26/11/2013) which was declared by the applicant on the application form, and also detailed a later conviction which the applicant had failed to declare. (20/11/2016).

Driver AM attended the Committee and explained the background to the offence.

The Committee carefully considered the information given at the meeting by the applicant and did not hear anything that would cause them to depart from the council policy therefore they resolved to refuse the application.

Resolved: That the application be refused.

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Health Services submitted a report concerning driver AMA who had applied to renew a Dual Hackney Carriage and Private Hire Drivers Licence. Driver AMA had failed to notify the authority of a previous conviction (12/11/2017) and had also failed to declare two previous convictions as required by the application process.

Driver AMA attended the Committee and explained the personal circumstances which had caused the applicant to be forgetful. The applicant apologised and was remorseful for the errors. The Committee took into account the applicants personal circumstances and the remorse shown but were concerned that he did not have a full understanding of the policy and decided to grant a limited licence together with a strong warning to impress on the driver the need to understand and if unsure to seek advice from the licensing staff in order to comply with the policy.

Resolved: That applicant AMA be issued a 12 month licence to be renewed automatically for the remaining 2 year licence period if no further offences had been committed together with a strong warning letter concerning the need to understand and to comply with all requirements of the policy.

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Health Services submitted a report concerning a new application from driver CE for a Private Hire Vehicle Licence and to depart from Council Policy in respect to the requirement to display door signs, external Private Plates and to be permitted to have tinted rear windows due to the executive nature of the business undertaken by his company. The applicant had previously been granted the same exemption for four other Private Hire Vehicles which are licensed by this Authority.

The applicant did not attend the Committee and asked that the application be dealt with in his absence.

During consideration of the application the Committee noted that the vehicle to be licenced did not have tinted windows and therefore decided that this exemption should be excluded from the exemptions

Resolved: That the application be granted with the exception of permission to have tinted rear windows.

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Services submitted a report concerning a renewal application for a Dual Hackney Carriage and Private Hire Drivers Licence from MA. Driver MA was granted a 12 month licence by the Committee (15/12/2016) and returned to the Committee (22/01/2018) following a further offence when it was decided not to renew the licence. On appeal the Magistrates Court granted the licence (17/05/2018) however the convictions now fall outside the new Council Policy which was updated in November 2019. In addition the applicant had committed a

further two offences (31/03/2017) and (18/08/2019) and failed to declare all of the previous convictions on the application form.

Driver MA attended the Committee together with his legal representative Mr M Bromley of Lichfield Reynolds who explained that the applicant had sought advice prior to completion of the form and did not intentionally omit the required detail. The applicant now fully understood the requirements of the policy in relation to the need to declare any offences.

Committee carefully considered the matter and, in view of the propensity of the applicant to commit the offence decided to issue the applicant with a 12 month licence, to be renewed automatically for the remaining 2 year licence period if no further offences have been committed.

Resolved: That applicant MA be issued a 12 month licence, to be renewed for the remaining 2 year licence period if no further offences have been committed.

9. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

The Head of Environmental Health Services submitted a report concerning a new application from driver MH for a Dual Hackney Carriage and Private Hire Drivers Licence.

Driver MH had failed to notify the Authority of an offence (11/10/2017) which fell within the guidelines for the relevance of convictions and also failed to declare all of the offences committed as required by the application process.

The applicant's previous licence was revoked by this Committee (31/01/2017). MH subsequently appealed and was successful at the Crown Court however the Councils new policy introduced on 1 November meant that this application now fell outside of the policy guidelines and required that the matter be considered by committee.

Applicant MH attended the Committee and circulated written representation as to the history of the offence and subsequent decisions of the Courts.

The Committee carefully considered both the written and oral explanation given by the applicant, the lack of remorse shown by the applicant together with the lack of respect for authority and concluded that they not heard anything which would require them to depart from the authority policy.

Resolved: That the application by MH be refused

10. URGENT BUSINESS

There were no items of urgent business

**Councillor Kyle Robinson
Chair**

Meeting concluded at 3.45 pm