

## **PUBLIC PROTECTION COMMITTEE**

Monday, 3rd December, 2012

**Present:-** Councillor Mark Olszewski – in the Chair

Councillors Bailey, Hailstones, Mrs Heesom, Kearon, Matthews,  
Miss Olszewski, Robinson, Miss Walklate and Mrs Williams

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Cllr Welsh, Cllr Allport and Cllr Mrs Hailstones.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE DRIVER MR S**

The Chair welcomed Mr S to the meeting. The Committee considered the facts put forward in the report by the Licensing Officer and took into consideration the circumstances and events outlined by the applicant.

**Resolved:** That the application be refused at the present time as it was still within the 5 year refusal period as suggested by the Council's guidelines and the Committee were not satisfied that the applicant was at the current time a 'fit and proper person' to be a private Hire Driver.

4. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE DRIVER MR R**

Cllr Miss Walklate declared an interest in that she knew the applicant and would take no further part in discussion of this item.

The Licensing Officer outlined the case relating to Mr R as was outlined in the report.

The Committee considered the facts as presented in the report, the Council's conviction guidelines and the circumstances surrounding the events as stated by the applicant.

**Resolved:** (a) That Mr R's Private Hire Drivers Licence be suspended for a period of 28 days beginning at midnight on 3<sup>rd</sup> December 2012.

(b) That the reinstatement Mr R's licence be contingent on him having received training especially in relation to the reading and understanding of Council procedures and disclosures.

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE DRIVER MR H**

**Resolved:** That this item be deferred until the next meeting of the Committee.

**6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE DRIVER MR A**

The Chair welcomed Mr A to the meeting and the Licensing Officer outlined the facts relating to his case as outlined in the report. The Committee considered the information provided by Mr A and the events which he explained had led to his appearance before the Committee.

**Resolved:** That the licence be granted.

**7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PROSECUTION PROCEEDINGS - UNINSURED PRIVATE HIRE VEHICLE**

The Committee received a report to advise it of action taken in respect of offences under the Local Government (Miscellaneous Provisions) Act 1976 with regard to private hire licensing and operation and to seek authorisation to institute legal proceedings and against Mr IR.

**Resolved:** That legal proceedings be instituted.

**8. ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 81(4) PROSECUTION OF MRS J G FOR BREACH OF A STATUTORY NOISE NUISANCE ABATEMENT NOTICE**

A report was submitted to seek authority to commence legal proceedings under the provisions of Part III of the Environmental Protection Act 1990 against Mrs JG for a prolonged and severe noise nuisance to neighbours in contravention of an existing noise abatement notice caused by shouting and screaming and hammering and banging on the wall with her fists.

**Resolved:** (a) That subject to the Head of Central Services being satisfied with the evidence, that proceedings be instigated in the magistrates court for failure to comply with the terms of a noise abatement notice dated 24<sup>th</sup> November 1999 contrary to section 80(4) of the Environmental Protection Act 1990.

(b) That in the event that a conviction is obtained for breach of the noise abatement notice, that support be given to an application by the Head of Central Services for a Post Conviction Criminal Anti Social Behaviour Order on terms considered appropriate by the Head of Central Services.

(c) That in the event of a successful prosecution that full details of the case be reported via all appropriate media streams as determined by the Head of Media and Communications.

(d) That a full report outlining the circumstances of the case and the actions taken and outcomes be reported to a future meeting of the Public Protection Committee.

**9. RESULTS OF CONSULTATION WITH PRIVATE HIRE VEHICLE LICENCE HOLDERS**

To inform the Committee of the results of consultation with Private Hire Vehicle Licence Holders.

Consultation had been undertaken and the holders of Vehicle Licences had been written to asking their views on the proposed addition of a condition which stipulated:

**“DOORSIGNS**

The holder of a Private Hire Vehicle licence shall ensure that door signs are displayed on their Private Hire Vehicles and that the signs comply with the following:

The sign shall measure at least 590mm x 220mm and shall be adhesive in type and shall exhibit the following:

- (i) The words “PRIVATE HIRE PRE BOOKED JOURNEYS ONLY” in lettering measuring at least 20mm and no more than 30mm.
- (ii) The name of the Operator under whose licence the vehicle is operated, and the first three figures of the telephone number of that Operator in lettering measuring at least 30mm and no more than 70mm high.
- (iii) The final four figures of the telephone number of that Operator in lettering measuring at least 70mm and no more than 110mm high.”

There had been a very low response to the consultation which appeared to suggest that there was no strong opinion regarding the signage. Members considered that the signage would be beneficial as it would clear up any existing ambiguity regarding the pre booking of journeys.

Members moved and agreed the conditions as recommended.

**Resolved:** That the condition be added to the Vehicle Licence as proposed.

**10. PIGEON CONTROL: NEWCASTLE TOWN CENTRE**

A report was submitted to confirm current measures regarding pigeon control and to propose further action to control pigeon numbers within the town centre. Control required long-term support of residents, traders, and sustained cleansing and enforcement by the council. No single element would provide a solution, and unless commitment could be obtained to continue actions for at least 12 months, little impact would be seen.

**Resolved:** (a) That the authority continues its current action to remove litter and discourage littering.

(b) That we aim to educate residents of the problems caused by encouraging pigeons, and to confirm that it may be necessary to issue fixed penalty notices for bird feeding in the future where there is a persistent offender.

(c) That designated feeding areas were not desirable.

(d) That through traders groups the Council will continue to encourage correct maintenance of buildings, and proofing works where appropriate.

(e) That the Council will attempt to identify trader support for lethal controls, establish those willing to provide treatment sites, and the likelihood that they will either commission works independently of the council, or be willing to contribute to the council's costs if it coordinated lethal controls

(f) That officers investigate signage to discourage people from feeding the pigeons.

(g) That the situation be monitored and a review report be brought back to the Committee in 6 months time.

**11. ENVIRONMENTAL PROTECTION ACT 1990, SECTION 33, 34, 34(2A) - FLY TIPPING**

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

**Resolved:** That legal proceedings be instituted in relation to this case.

**12. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICES (1)**

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 attached appendix.

Members welcomed the report and it was thought that the work undertaken by officers was really having an effect with less people dropping litter and fixed penalty notices being actively progressed and paid before there was a requirement to seek legal action.

**Resolved:** That legal proceedings be instituted in the relation to the cases detailed in the appendix to the report.

**13. CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 - FIXED PENALTY NOTICES (2)**

A report was submitted to advise the Committee of the action taken in respect of Littering offences within the Borough.

**Resolved:** That the report be received.

**14. URGENT BUSINESS**

**COUNCILLOR MARK OLSZEWSKI**  
**Chair**