

## **PUBLIC PROTECTION SUB-COMMITTEE**

**18 JULY 2013**

### **PRESENT**

Councillor C. Candish (in the Chair).

Councillors B. Sharp (Vice-Chairman), D. Bunting, M. Freeman, D. Jarman, P. Myers, J. Smith, N. Taylor and Mrs. J. Wilkinson

#### In attendance

M. Jones	Interim Head of Legal Services
G. Levy	Public Protection Manager – Trading Standards
S. Bate	Senior Licensing Officer
R.M. Worsley	Democratic Services Officer

#### Also Present

Councillor P Lally

### **6. EXCLUSION RESOLUTION (REMAINING ITEMS)**

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of “exempt information” which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified on the agenda item or report relating to each such item respectively.

### **7. APPLICATION FOR GRANT OF A PRIVATE HIRE DRIVER'S LICENCE - CONVICTION THAT EXCEEDS THE SCHEME OF DELEGATION**

The Head of Public Protection submitted a report requesting Members to consider a Private Hire driver's convictions. The driver attended the meeting to enable Members to give the matter their full consideration.

The applicant provided Committee Members with a brief outline of what he said were the circumstances of the offence that took place in 2011 and explained that his non-attendance at the Committee hearing scheduled for 13<sup>th</sup> November 2012 was because he was out of the country on the date specified.

The Sub-Committee determined that the applicant's previous convictions were relevant to the application and considered the nature of the 2011 conviction including the period of time that has elapsed since then. The Council's policy is normally not to grant applications by persons with similar convictions to the applicant that are less than two years old. The Sub-Committee were not satisfied that there was any reason not to apply the policy and determined that the applicant was not a fit and proper person to hold a Private Hire drivers licence.

RESOLVED: That Mr. M. H.'s application for a Private Hire driver's licence be refused.

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**8. APPLICATION FOR THE GRANT OF A PRIVATE HIRE DRIVER'S LICENCE**

The Head of Public Protection submitted a report requesting Members to consider a Private Hire driver's convictions. These involved traffic convictions that were less than 5 years old and a robbery conviction which was less than 10 years old. The driver attended the meeting to enable Members to give the matter their full consideration.

The applicant provided Committee Members with a brief outline of what he said were the circumstances of the offences that took place in 2003 and 2005 and explained that this was a long time ago and he was very young at the time. He also added that the further offences in 2008 were as a result of his failure to produce the requested necessary documents at a police station.

The Sub-Committee determined that the applicant's previous convictions were relevant to the application and considered both the nature of the convictions and the period of time that has elapsed since then. In summary the Sub-Committee found that the evidence concerning the convictions in 2008 provided by the applicant was unconvincing and evasive. They concluded that this called into question the honesty of his explanation about those convictions. They concluded that the applicant was currently not a fit and proper person to hold a Private Hire drivers licence.

RESOLVED: That Mr. A. H. S.'s application for a Private Hire driver's licence be refused.

**9. DETERMINATION OF DRIVER'S FITNESS FOLLOWING 2012 TAXI TEST INVESTIGATION**

The Head of Public Protection submitted a report requesting Members to consider a drivers fitness to hold a private hire driver's licence following re-takes of the taxi knowledge test. The driver and his wife attended the meeting to enable Members to give the matter their full consideration.

The Head of Public Protection (Trading Standards) highlighted the importance of the taxi knowledge test and explained it was used to ensure that drivers can demonstrate a working knowledge of the roads and major destinations within the area. This helps to prevent late arrivals when picking up and setting down passengers and also reduces the possibility of overcharging because of taking a wrong route.

The applicant's wife provided Committee Members with a brief overview of her husband's family circumstances. She confirmed that he had been working as a taxi driver for the last 18 months and had received no complaints regarding his driving or general competence. The applicant also provided background information concerning his situation when he sat the first test and then the subsequent further attempts at the test. He only had a part-time job at night when he first took the test so had plenty of time to study. However, for subsequent tests he was having to work very hard after the birth of his youngest child.

The Sub-Committee considered both the information contained within the report

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and evidence provided by the applicant. It was determined that there were serious anomalies identified with the circumstances of the original taxi knowledge test taken by the applicant and therefore this called into question the reliability of the test as an indicator of the level of knowledge of both the location of premises and routes within the borough of Trafford. The applicant's subsequent failure to pass the taxi knowledge test despite it being essentially the same as it was when first taken, despite working as a driver within the borough of Trafford for some time and despite several attempts to do so reinforced the Sub-Committee's concerns.

RESOLVED: That Mr. M. U.'s Private Hire driver's licence be not renewed as he was unable to show that he complied with all the requirements of Trafford's taxi licensing process.

**10. DETERMINATION OF DRIVER'S FITNESS FOLLOWING 2012 TAXI TEST INVESTIGATION**

The Head of Public Protection submitted a report requesting Members to consider a drivers fitness to hold a private hire driver's licence following re-takes of the taxi knowledge test. The driver attended the meeting to enable Members to give the matter their full consideration.

The Head of Public Protection (Trading Standards) highlighted the importance of the taxi knowledge test and explained it was used to ensure that drivers can demonstrate a working knowledge of the roads and major destinations within the area. This helps to prevent late arrivals when picking up and setting down passengers and also reduces the possibility of overcharging because of taking a wrong route.

The applicant provided Committee Members with a brief outline of his family circumstances and history concerning when he sat the first test and then the subsequent further attempts at the test which he said took place during the illness and subsequent death of a family member.

The Sub-Committee considered both the information contained within the report and evidence provided by the applicant. It was determined that there were serious anomalies identified with the circumstances of the original taxi knowledge test taken by the applicant and therefore this called into question the reliability of the test as an indicator of the level of knowledge of both the location of premises and routes within the borough of Trafford. The applicant's subsequent failure to pass the taxi knowledge test despite it being essentially the same as it was when first taken, despite working as a driver within the borough of Trafford for some time and despite several attempts to do so reinforced the Sub-Committee's concerns.

The Sub-Committee were also unconvinced by the applicant's explanations for failing the tests and were concerned at his apparent attempts to look at the paper of another candidate during one re-test and use his mobile phone during two of the re-tests.

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RESOLVED: That Mr. A. A. K.'s Private Hire driver's licence be not renewed as he was unable to show that he complied with all the requirements of Trafford's taxi licensing process.

The meeting commenced at 6.30 pm and finished at 9.34 pm