

## **PUBLIC PROTECTION SUB-COMMITTEE**

**19 FEBRUARY 2015**

### **PRESENT**

Councillor C. Candish (in the Chair).

Councillors B. Sharp (Vice-Chairman), D. Bunting, A. Duffield, M. Freeman, D. Jarman, P. Lally, M. Sephton and J. Smith

#### In attendance

D. Adcock	- Solicitor
J. Boyle	- Licensing Team Leader
N. Owen	- Democratic and Scrutiny Officer

#### Also in attendance for Minute No. 26:

G. Levy	- Public Protection Manager (Trading Standards)
J. Stoddart	- Enforcement Support Officer

## **22. MINUTES**

RESOLVED: That the minutes of the Public Protection Sub-Committee meeting held on 20<sup>th</sup> November 2014 be agreed as a correct record and signed by the Chairman.

## **23. 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.

## **24. PRIVATE HIRE DRIVER CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION**

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

The driver provided the Sub-Committee with a brief outline of what he said were the circumstances of the offence.

He provided a statutory declaration form dated 21<sup>st</sup> May 2014 confirming that he did not have any criminal convictions. This declaration was incorrect given that he had been convicted on 29<sup>th</sup> April 2014 for an offence of SP50 for which he was sentenced to a one month disqualification period and fined £450.00. Due to his failure to disclose this information he provided a false declaration. His explanation

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that he was unable to understand the requirements of the declaration form due to the fact that he had difficulties in the comprehension of the English language were accepted and noted by the Sub-Committee.

He reported his current ill health to the Sub-Committee and his view that he was, at present, unable to drive because of ill health and this was accepted and noted by the Sub-Committee.

RESOLVED: That Mr. Z. H. N's Private Hire driver's licence be suspended with immediate effect until he has passed a full English Language test and also provided a satisfactory medical certificate.

**25. HACKNEY CARRIAGE DRIVER - CONVICTIONS THAT EXCEED THE SCHEME OF DELEGATION**

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

The driver provided the Sub-Committee with a brief outline of what he said were the circumstances of the offence.

RESOLVED: That no further action be taken against Mr. H. M.

**26. TRAFFORD PRIVATE HIRE DRIVER - CONVICTION FOR ILLEGAL PLYING FOR HIRE AND NO INSURANCE**

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

The driver provided the Sub-Committee with a brief outline of what he said were the circumstances of the offence.

He was convicted on 23<sup>rd</sup> January 2015 of the offences of illegally plying for hire and for having no insurance. His explanation that he had not intended to commit the offence was not accepted by the Sub-Committee, however, the Council's Enforcement Officers confirmed that he had been co-operative throughout the process and this was noted by the Sub-Committee.

RESOLVED: That Mr. G S's Private Hire driver's licence be suspended with immediate effect for a period of six months.

**27. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - SECTION 61 (2B) - SUSPENSION OF PRIVATE HIRE DRIVER'S LICENCE - TO HAVE IMMEDIATE EFFECT**

The Head of Public Protection submitted a report informing Members of a recent decision taken by the Chairman, Vice-Chairman and Opposition Spokesperson made under emergency powers to suspend a Private Hire driver's licence with

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immediate effect until the conclusion of the investigation or the conclusion of any prosecution case.

RESOLVED: That the report be noted.

**28. UPDATE ON RECENT CASES**

The Licensing Team Leader informed the Sub-Committee that Mr. Z's appeal had been heard in court and the court had determined to change the Sub-Committee's decision. Mr Z's licence was now suspended until he passed the English Language test. At present, Mr. Z had not sat the English Language test.

The Sub-Committee were also informed that Mr. S. P. R's appeal had also been heard in court and the court had determined to change the Sub-Committee's decision. Mr. S. P. R's licence had been re-instated and he had been awarded 75 penalty points under the Council's Penalty Point Scheme for his failure to disclose his convictions. The court also determined that he could not work in the commercial credit market.

The meeting commenced at 6.34 pm and finished at 9.30 pm