

## **PUBLIC PROTECTION SUB-COMMITTEE**

**21 JULY 2016**

### **PRESENT**

Councillor M. Whetton (in the Chair).

Councillors A. Mitchell (Vice-Chairman), S.K. Anstee, A. Duffield, D. Jarman, M. Sephton, E.W. Stennett and J. Smith

#### In attendance

J. Boyle	- Licensing Team Leader
G. Levy	- Regulatory Services Mgr (Trading Standards & Licensing)
M. Jones	- Interim Head of Legal Services
N. Owen	- Democratic and Scrutiny Officer

### **APOLOGIES**

An apology for absence was received from Councillor M. Freeman

#### **1. MEMBERSHIP OF PUBLIC PROTECTION SUB-COMMITTEE AND TERMS OF REFERENCE**

RESOLVED: That the Membership and Terms of Reference for the Public Protection Sub-Committee be noted.

#### **2. MINUTES**

RESOLVED: That the minutes of the Public Protection Sub-Committee meeting held on 24<sup>th</sup> March 2016 be agreed as a correct record and signed by the Chairman.

#### **3. 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.

#### **4. REFUSAL TO CARRY OUT A BOOKING ACCEPTED BY THE OPERATOR BECAUSE THE PASSENGER WAS ACCOMPANIED BY AN ASSISTANCE DOG**

The Head of Regulatory Services submitted a report requesting Members to consider a complaint against a Private Hire driver.

The driver provided Members with a brief outline of the circumstances of the incident which had caused the complaint.

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The Sub-Committee determined that the driver had already been punished enough as a result of the criminal proceedings and by receiving 150 penalty points. They noted his apologies and his assurance that he would not repeat the offence. They also noted that the penalty points would remain on his private hire driver's licence for three years so that any further offence of any nature would bring him back before the Sub-Committee.

RESOLVED: That no further action be taken against Mr. F. I.

**5. REFUSAL TO CARRY OUT A BOOKING ACCEPTED BY THE OPERATOR BECAUSE THE PASSENGER WAS ACCOMPANIED BY AN ASSISTANCE DOG**

The Head of Regulatory Services submitted a report requesting Members to consider a complaint against a Private Hire driver.

The driver provided Members with a brief outline of the circumstances of the incident which had caused the complaint.

The Sub-Committee determined that he had already been punished enough as a result of the criminal proceedings and by receiving 150 penalty points. They noted his apologies and his assurance that he would not repeat the offence. They also noted that the penalty points would remain on his private hire driver's licence for three years so that any further offence of any nature would bring him back before the Sub-Committee.

RESOLVED: That no further action be taken against Mr. A. S.

**6. URGENT BUSINESS (IF ANY)**

(Note: The Chairman allowed consideration of the following item as Urgent Business due to the serious nature of the allegations being made against the driver.)

Private Hire Driver – Allegation of Serious Misconduct

The Head of Regulatory Services submitted a report requesting Members to consider an allegation against a Private Hire driver of serious misconduct.

The complainant answered questions from the Sub-Committee.

The driver gave his version of the incident and also answered questions from the Sub-Committee.

The Sub-Committee determined that the driver's explanation of events and that of the customer differed in material respects.

The Sub-Committee noted that he had recently been acquitted at crown court.

It was also noted that he had not notified the council of the prosecution and on 29<sup>th</sup> April 2016 as part of his licence renewal process had produced a statutory

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declaration which failed to set out details of the pending prosecution as required. The Sub-Committee did not find his explanation that it did not occur to him that he had to disclose it because of the pressure and the stress of the crown court proceedings convincing.

The Sub-Committee was provided with 4 GPS tracker images which related to the journey taken that night. The Sub-Committee concluded that there was a significant time lapse between him arriving at the destination the first time and completing the job even allowing for a discussion over the amount of the fare. The Sub-Committee found the customer's evidence to be more credible and consistent with the GPS data.

The Sub-Committee concluded that the passenger was invited into the front of his car and that he drove for some distance past her destination. They could not see why she would make up the allegations and persist with them for this length of time if they were untrue and were not convinced by his theory that because she thought she was in trouble with her boyfriend for dancing with another man at the nightclub he picked her up from, she made up her allegations to distract him. On a balance of probabilities the Sub-Committee concluded that he had acted inappropriately towards the passenger during the journey and that it was more likely than not that he had made remarks of the sort attributed to him by the passenger.

RESOLVED –

- (1) That even though there had been no other reported incidents involving Mr. A. Z, he was not a fit and proper person to hold a private hire driver's licence and that his Private Hire driver's licence should be revoked.
- (2) That in the interests of public safety the revocation should take immediate effect because of the nature of the allegations that were made and the conclusions of the Sub-Committee.

The meeting commenced at 6.40 pm and finished at 9.30 pm