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Blackpool Council

28 October 2016

To: Councillors Hutton, Maycock, Mitchell, Owen, Robertson BEM, Singleton and L Taylor

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 8 November 2016 at 6.30 pm (or on the rising of the Licensing Committee meeting whichever is latest)
in Committee Room A, Town Hall, Blackpool

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

The Head of Democratic Governance has marked with an asterisk (*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned; and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 4 OCTOBER 2016 (Pages 1 - 4)

To agree the minutes of the last meeting held on 4 October 2016 as a true and correct record.

*** 3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE** (Pages 5 - 14)

(This item contains personal information regarding applicants and licence holders which

is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

4 DATE OF NEXT MEETING

To note the date of the next meeting as 6 December 2016.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Chris Williams, Democratic Governance Adviser, Tel: (01253) 477153, e-mail chris.williams@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 OCTOBER 2016

Present:

Councillor Hutton (in the Chair)

Councillors

Maycock

Robertson BEM

Singleton

L Taylor

In Attendance:

Mrs Sharon Davies, Head of Licensing Service

Mr Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interests on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 6 SEPTEMBER 2016

Resolved:

That the minutes of the meeting held on 6 September 2016 be signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decision referred to at Agenda items 4, 5 and 6 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

4 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of two existing Hackney Carriage and Private Hire vehicle drivers and a new Private Hire and Hackney Carriage Driver applicant that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the applications and referrals as follows:

- (i) HM – Existing Hackney Carriage and Private Hire Vehicle Driver

HM was in attendance and made representations to the Sub-Committee.

The complainant was also in attendance and made representations to the Sub-Committee.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 OCTOBER
2016**

Mr Mark Marshall, Licensing and, Health and Safety Manager, and Mr Ian Taylor, Public Protection Officer, were in attendance and presented the case on behalf of the Authority.

The Sub-Committee was informed of an incident in which the complainant alleged that the driver had demonstrated aggressive and threatening behaviour towards her whilst carrying out his duties as a licensed driver.

The driver and the complainant presented differing accounts of the incident and the Sub-Committee expressed concerns about allegations made by both parties. In view of the lack of evidence the Members were unable to make a determination on the conduct alleged. Members also discussed the driver's admitted conduct in leaving his vehicle and approaching the complainant's vehicle and whether his behaviour was in keeping with the standards expected of a licensed driver. They determined that it was not, however, the Sub-Committee also considered a lack of evidence in relation to the majority of the incident and the driver's previously clean track record as a licensed driver.

Resolved:

That the Hackney Carriage and Private Hire Vehicle Driver should receive a severe warning letter for behaving in a manner that caused distress to a member of the public and indicating that in the event of further offences, suspension or revocation of the licence would be the likely outcome.

(ii) GIJ – Existing Private Hire Vehicle Driver

GIJ was in attendance and made representations to the Sub-Committee.

Mr Marshall, and Mr Shaun Louth, Blackpool Council Vehicle Technician, who was also in attendance, presented the case on behalf of the Authority.

The Sub-Committee noted that the driver had allowed his vehicle to enter a state of disrepair and during the course of a routine inspection, the vehicle was found to have a number of serious defects, several of which were classed as MOT failure faults.

The driver admitted to lapses with the vehicle's maintenance regime and expressed regret at what had happened. He added that he had since put in place measures designed to ensure that a similar situation would not arise in the future.

Members considered the driver's experience and previously clean track record. However, the Sub-Committee reasoned that the number and nature of the vehicle faults were of concern especially as some should have been identified even upon casual inspection.

Resolved:

To issue the driver with a warning letter in relation to his conduct indicating that if he was brought before the Sub-Committee again in the future, suspension or revocation of the licence would be the likely outcome.

(iii) WTM - New Hackney Carriage and Private Hire Vehicle Driver Applicant

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 OCTOBER
2016**

WTM was in attendance and made representations to the Sub-Committee.

Mr Ryan Radcliffe, Licensing Officer, who was also in attendance, presented the case on behalf of the Authority.

The Sub-Committee was informed that the applicant had previously been convicted of a drink-driving offence.

The applicant explained that in relation to the offence, he had made a poor decision and regretted his actions. He added that a number of years had passed without further incident and he had also attended a relevant awareness course to reduce the terms of his sentence.

The Sub-Committee agreed that the nature of the offence was serious. However, members noted that some four years had elapsed since the offence and the driver appeared to demonstrate genuine remorse.

Resolved:

To grant the Hackney Carriage and Private Hire Vehicle Drivers Licence with the addition of a warning letter in relation to future conduct indicating that if the driver was brought before the Sub-Committee again in the future, suspension or revocation of the licence would be the likely outcome.

Background papers: exempt

5 PRIVATE HIRE VEHICLE LICENCE

The Sub-Committee was informed of an existing Private Hire Vehicle Licence holder that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the referral as follows:

GJJ –Existing Private Hire Vehicle Licence holder

GJJ was in attendance and made representations to the Sub-Committee.

During consideration of the same driver's Private Hire Driver's Licence at Agenda Item 3, the Sub-Committee decided to issue the driver with a warning letter in relation to the maintenance issues identified on his vehicle.

Resolved:

To take no further action in relation to the Private Hire Vehicle Licence.

Background papers: exempt

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 OCTOBER
2016**

6 DONKEY DRIVERS LICENCE

The Sub-Committee was informed of an application for a Donkey Driver's Licence that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Mr Ratcliffe presented the case on behalf of the Local Authority.

The applicant, ASL was in attendance and made representations to the Sub-Committee.

The Sub-Committee was advised of two incidents involving the applicant, one of which had involved violence.

The applicant described difficult circumstances surrounding the convictions and accepted responsibility for his actions. In addition, three character references were circulated to Members that described the applicant in favourable terms.

The Sub-Committee reasoned that the applicant seemed to demonstrate remorse for his actions and had the support of others in the form of character references. However, members expressed concern at both the nature and recency of the applicant's offences and agreed that insufficient time had elapsed since the offences for the application to be approved.

Resolved:

That the application for a Donkey Driver's Licence be refused on the grounds that the applicant was not a fit and proper person due to the nature and recency of his offences.

Background papers: exempt

7 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 8 November 2016.

Chairman

(The meeting ended at 7.57 pm)

Any queries regarding these minutes, please contact:
Chris Williams Democratic Governance Adviser
Tel: (01253) 477153
E-mail: chris.williams@blackpool.gov.uk

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	8 November 2016

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

1.1 To consider a licence holder who has been convicted of offences or who has otherwise given reasons for concern.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the referral as appropriate.

3.0 Reasons for recommendation(s):

3.1 Licensed drivers can be responsible for transporting vulnerable passengers. It is important for the protection of the public that only fit and proper persons are licensed.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, as the Sub-Committee is required to determine the referral.

4.0 Council Priority:

4.1 The relevant Council Priority is "The Economy: Maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 The Sub-Committee is asked to determine whether or not the licence holder is a fit and proper person to hold a Hackney Carriage and Private Hire Vehicle driver's

licence, in respect of the following case:

P.N.C (Existing Hackney Carriage and Private Hire Vehicle Driver)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 3(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

Appendix 3(a) Details of cases (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the licence holder is a fit and proper person to be licensed.

6.2 There is the right of appeal to the Magistrates' Court.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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