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Blackpool Council

16 May 2017

To: Councillors Collett, Hobson, Humphreys, Hutton, Robertson BEM, M Scott and Singleton

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 24 May 2017 at 6.15 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 25 APRIL 2017 (Pages 1 - 4)

To agree the minutes of the last meeting held on 25 April 2017 as a true and correct record.

*** 3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE** (Pages 5 - 26)

(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 20 June 2017.

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.

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Humphreys	M Scott
Hobson	Robertson BEM	Singleton

In Attendance:

Sharon Davies, Head of Licensing Service
Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 21 MARCH 2017

Resolved:

That the minutes of the meeting held on 21 March 2017 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 item 5 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 SAFETY OF SPORTS GROUND - BLACKPOOL FOOTBALL CLUB

The Sub-Committee considered an application under the Safety at Sports Ground Act 1975 for a Special Safety Certificate at Blackpool Football Club. The certificate was required for a UB40 concert on 17 June 2017. Due to the nature of the event, the requirements were different than those included within the General Safety Certificate.

Mrs Michelle Wilson, Principal Building Control Surveyor, addressed the Sub-Committee on the application. She emphasised that the proposed certificate would allow an attendance of 10,000 which would not exceed the ingress and egress limits. She advised the Sub-Committee that the event had been carefully planned and met all of the relevant health and safety requirements. In addition, the emergency services had offered no objections to the outlined proposal. It was therefore proposed that the certificate should be approved.

Mrs Wilson requested a degree of flexibility should the certificate be approved as there was still the possibility of some minor amendments to staging arrangements in line with any further comments made by the responsible authorities.

Resolved:

1. To approve in principal the application for a Special Safety Certificate.
2. To delegate the approval of the final wording of the Special Safety Certificate to the Principal Building Control Surveyor.

5 HORSE DRAWN HACKNEY CARRIAGE POLICY PROPOSAL

The Sub-Committee considered a proposal by the Licensing Service to incorporate an Insurance Framework into the Horse Drawn Hackney Carriage Licensing Policy.

Mrs Davies advised Members that in its final report, the Landau Scrutiny Committee made a recommendation, which was published on 8 February 2016, that it was important for the protection of the public that the insurance covering all Horse Drawn Hackney Carriages should be suitable and fit for purpose.

The Sub-Committee discussed the proposed policy and its various elements that included sections on Public Liability, Employers Liability, information for drivers and Material Damage Insurance. It was agreed that the policy would hopefully serve to reassure the public and drivers of Horse Drawn Hackney Carriages. It was also suggested that those sections related to liability should include reference to 'death' in addition to 'bodily harm' when referring to liability.

Resolved:

1. The Sub-Committee determined that the proposal was appropriate and that the framework provided the trade with adequate insurance cover.
2. That the wording of the public liability section be amended as follows.
'Bodily injuries or death to any person caused by or arising in connection with any horse and/or carriage being used as a licensed Horse Drawn Hackney Carriage.'
3. That the wording of the employer's liability section be amended as follows.
'Bodily Injury or death sustained by an employee that arises in connection with any horse and/or carriage being used as a licensed Horse Drawn Hackney Carriage in his or her course of employment.'

6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee was informed of a Hackney Carriage and Private Hire Vehicle Driver Licence applicant who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as follows:

C.R.B (Existing Hackney Carriage Vehicle Driver)

Mr Luke Andrews, Licensing Officer was in attendance and presented the case on behalf of the Authority. The Sub-Committee was informed of an incident that had involved driving whilst intoxicated.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 25 APRIL 2017

CRB was in attendance with a legal representative, Mr Coulbourn, and both made representations to the Sub-Committee. Mr Coulbourn explained that his client was a professional driver with over ten years' experience as a licensed driver without previously appearing before the Sub-Committee or having any endorsements or penalty points on his driver's licence. He added that in relation to the incident, the driver had not been intoxicated whilst driving but had consumed alcohol after the event and prior to being breathalysed by the Police. Mr Coulbourn added that this would form the basis of his client's defence in Court and emphasised that CRB had not been convicted of the offence. The driver also described in his own words, the events surrounding the incident. He added that prior to the incident he had consumed additional quantities of alcohol earlier in the day.

The Sub-Committee expressed concerns about inconsistencies in the driver's version of events as presented and with his decision to drink alcohol following the incident and with the amount consumed earlier in the day. Following a series of questions from Members, the diver admitted he regularly consumed alcohol in between his normal working patterns. Despite a long career without incident, the Sub-Committee had serious concerns about the driver's regular and relatively high level of alcohol consumption and concluded that this adversely affected his suitability to operate as a licensed driver.

Resolved:

That the Hackney Carriage Driver's Licence be revoked on the grounds that the driver was no longer a fit and proper person to hold such a licence and given the nature of the offence, that the revocation be with immediate effect.

Background papers: exempt

7 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Wednesday 24 May 2017.

Chairman

(The meeting ended at 6.58 pm)

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

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	24 May 2017

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

- 1.1 To consider applicants and a licence holder who have been convicted of offences or who have otherwise given reasons for concern.

2.0 Recommendation(s):

- 2.1 The Sub-Committee will be requested to determine the applications and 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 applications and 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 applicants and licence

holder are fit and proper persons to hold Hackney Carriage and Private Hire Vehicle driver's licences , in respect of the following cases:

K.J.C. (New Private Hire Applicant), D.A.H. (New Private Hire Applicant), I.L.P (New Private Hire Applicant), M.S.R. (New Private Hire Applicant), T.P.S. (Existing Hackney Carriage Driver), K.A.R (Existing 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

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 applicants and licence holder are fit and proper persons 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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