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Blackpool Council

4 August 2017

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 15 August 2017 at 6.00 pm
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 18 JULY 2017 (Pages 1 - 4)

To agree the minutes of the last meeting held on 18 July 2017 as a true and correct record.

*** 3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES** (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 HACKNEY CARRIAGE VEHICLE LICENCES** (Pages 15 - 30)

(This item contains personal information regarding licence holders which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

5 DELEGATION OF POWERS - SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES (Pages 31 - 34)

To consider amending the existing delegation which permits the Head of Licensing to suspend a hackney carriage/private hire driver's licence following consultation with the Chairman/Vice-Chairman.

6 DATE OF NEXT MEETING

To note the date of the next meeting as the 12 September 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	Robertson BEM	Mrs Scott
Hobson	Ryan	Singleton

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager
Sharon Davies, Head of Licensing Service

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 20 JUNE 2017

The Sub-Committee considered the minutes of the previous meeting held on 20 June 2017.

Resolved:

That the minutes of the meeting held on 20 June 2017 be approved and signed by the Chairman as a correct record.

3 LIMITATION OF NUMBER OF HACKNEY CARRIAGE VEHICLES

The Sub-Committee considered a report produced by CTS on unmet demand for taxis within Blackpool.

Mrs S Davies, Head of Licensing Service highlighted that such a survey was necessary if the Council was to continue with its long standing policy of limiting the number of Hackney Carriages licensed within Blackpool. The survey had not identified any significant unmet demand within Blackpool.

The Sub-Committee noted the more general issues raised in the report regarding public perceptions of taxi services within Blackpool and the Chairman explained that these would be addressed separately through the Taxi Liaison Meeting.

Resolved:

To accept the content of the report and determine that the current policy of limiting the number of vehicles to 256 motorised and 44 Horse Drawn Hackney Carriages should continue.

4 EXCLUSION OF THE PUBLIC

Resolved: 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 decisions referred to at Agenda items 4 and 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.

5 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee considered an applicant and licence holder who have been convicted of offences or who have otherwise given reasons for concern.

Members discussed the application and referral as follows:

- (i) M.R.J.T (Existing Hackney Carriage and Private Hire Vehicle driver)

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

Mr Mark Marshall, Licensing/Health and Safety Enforcement Manager, was in attendance and presented the case of behalf of the Local Authority. He highlighted the significant concerns regarding the M.R.J.T's conduct and inappropriate contact with vulnerable young people. He highlighted that the concerns had come from a number of different and credible sources.

M.R.J.T presented evidence on his own behalf. He highlighted his view that the concerns were not correct or were the result of misunderstandings and that he remained a suitable person to hold such a licence.

The Sub-Committee considered carefully the evidence submitted by both parties. It expressed serious concerns regarding the conduct of the driver and that it fell far below that expected of a licensed driver. The Sub-Committee further considered that M.R.J.T.'s actions endangered significantly public safety

Resolved:

That the Hackney Carriage and Private Hire Driver's Licence issued to M.R.J.T. be revoked with immediate effect

- ii) C.L.H (New Horse Drawn Hackney Carriage applicant)

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

Mr Luke Andrews, Licensing Officer, was in attendance and presented the case of behalf of the Local Authority. He highlighted the concerns regarding C.L.H's convictions both driving offences and one offence involving dishonesty. Mr Andrews highlighted the Council's policy's view regarding such offences and that applications would not normally be granted with such recent convictions.

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C.L.H. made representations to the Sub-Committee and explained the personal circumstances around the convictions that these were out of character and had occurred at a difficult time in her life. She further highlighted that she had a great deal of carriage driving experience and had been offered a post working alongside a family member.

The Sub-Committee considered that given the personal circumstances outlined by the applicant it should depart from its policy and grant the application subject to a warning as to future conduct.

Resolved:

That in respect of C.L.H. the Horse Drawn Hackney Carriage Driver's Licence be issued subject to a warning letter being issued that in the event of future concerns the licence may be suspended or revoked.

6 HACKNEY CARRIAGE VEHICLE LICENCE

The Sub-Committee considered an application to review conditions imposed on Hackney Carriage licences.

The Sub-Committee noted a request had been received from the Licence Holder to delay consideration of the request until a future meeting to enable the Licence Holder to attend.

Resolved:

To defer consideration of the item to the next meeting.

7 DATE OF NEXT MEETING

The Sub-Committee noted the date of the next meeting as 15 August 2017.

Chairman

(The meeting ended at 7.05 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:	Mark Marshall, Head of Licensing Service
Date of Meeting	15 August 2017

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

- 1.1 To consider an applicant and licence holders 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 application and referrals 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 application and referrals

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

M.K (New) and T.R (Existing)

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 applicant and licence holders 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Mark Marshall, Licensing Enforcement and Health and Safety Manager.
Date of Meeting	15 August 2017

HACKNEY CARRIAGE VEHICLE LICENCES

1.0 Purpose of the report:

- 1.1 To consider whether or not the licence holder is a fit and proper person to hold a Hackney Carriage vehicle licence.

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

- 3.1 Licensed vehicles are responsible for transporting passengers. It is important for the protection of the public that only suitable vehicles that are fit for purpose 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

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 holders are fit and proper person to hold Hackney Carriage vehicle licences, in respect of the following cases:

F.P.L (Existing) and J.W.B (Existing)

5.2 Matters causing concern and any supporting documents are attached at Appendix 4(a)

5.3 Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 4(a) Details of case (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the conditions are no longer reasonably necessary.

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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Mark Marshall, Licensing Enforcement and Health and Safety Manager
Date of Meeting	15 August 2017

DELEGATION OF POWERS - SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

1.0 Purpose of the report:

- 1.1 To consider amending the existing delegation which permits the Head of Licensing to suspend a hackney carriage/private hire driver's licence following consultation with the Chairman/Vice-Chairman.

2.0 Recommendation(s):

- 2.1 To approve the amendment to the delegation as outlined in Section 5.8.

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. It is

- 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:

The Sub-Committee could decline to amend the existing delegation.

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 Local Government (Miscellaneous Provisions) Act 1976 provides that the Council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:
- (a) That he has since the grant of the licence:
 - (i) Been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or
 - (b) Any other reasonable cause.
- 5.2 This suspension/revocation normally takes effect at the end of the period of 21 days beginning on the day on which the notice is given to the driver.
- 5.3 The Road Safety Act 2006 added the power for the suspension/revocation to take immediate effect in certain circumstances, namely where it was in the interests of public safety.
- 5.4 In January 2008 the Licensing Committee agreed the following delegation:
- For the Head of Legal and Democratic Services (in consultation with the chair or vice-chair) to have delegated authority to suspend a licence until the next Public Protection Sub-Committee meeting.
- 5.5 This delegation has been subsequently updated so that the delegation is to the Head of Licensing or in their absence the Licensing Enforcement and Health and Safety Manager.
- 5.6 Changes to this delegation are now required as recent case law has confirmed that a Council cannot use the suspension of a hackney carriage or private hire driver's licence as holding operation pending further investigation. The Court held that if a Council suspends a licence "it must do so by way of a substantive decision on the fitness of the driver to hold the licence, after giving the driver a proper opportunity to state his case, not merely as a means by which to maintain a position pending the final outcome of the criminal proceedings."
- 5.7 Firstly, it is proposed that due to changes in the officer structure that the power now be allocated to the Licensing Enforcement and Health and Safety Manager.

5.8 It is proposed therefore that the procedure now works as follows:

That in the event of a serious concern being raised regarding the fitness of a driver to hold a Hackney Carriage or Private Hire Drivers' Licence the Licensing Enforcement and Health and Safety Manager be tasked in the first instance with investigating the issue. The concern could take the form of convictions, police information or complaints from the public.

The driver be invited to a formal interview to discuss the area of concern with the Licensing Enforcement and Health and Safety Manager and either the Chairman or Vice-Chairman of the Public Protection Sub-Committee. In the event of the driver refusing or being unable to attend the Licensing Enforcement and Health and Safety Manager would still be authorised to consider the issue.

Following consultation with the Chairman or Vice-Chairman of the Public Protection Sub-Committee the Licensing Enforcement and Health and Safety Manager would then consider which of the following three courses of action is necessary and proportionate:

- i) That the issue is serious enough to require the revocation of the licence with immediate effect.
- ii) That while there is a case to answer the issue is not urgent and can therefore be referred for consideration by the next meeting of the Public Protection Sub-Committee or a special meeting of that Sub-Committee.
- iii) That no action be taken at present, this does not preclude further investigation of the issue.

Where the Licensing Enforcement and Health and Safety Manager acts to revoke a licence, they will bring a report to the next Public Protection Sub-Committee and if approved a review of the use of this delegation will take place in 12 months time.

5.9 Members are reminded that there is a separate procedure for the suspension of vehicle licences where the vehicle is dangerous or unsuitable.

5.10 Does the information submitted include any exempt information? No

5.11 **List of Appendices:**

None.

6.0 Legal considerations:

6.1 None.

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.