

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12
SEPTEMBER 2017**

Present:

Councillor Hutton (in the Chair)

Councillors

Hobson	Robertson BEM	Singleton
Humphreys	Mrs Scott	

In Attendance:

Mrs Sharon Davies, Head of Licensing Service
Mr 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 15 AUGUST 2017

Resolved: That the minutes of the meeting held on 15 August 2017 be signed by the Chairman as a correct record.

3 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 item 3 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 a number of applicants and existing Hackney Carriage and Private Hire Vehicle drivers who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application and referral as follows:

- (i) A.E (New Hackney Carriage applicant)

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Mr Luke Andrews, Licensing Officer presented the Authority's case. He reported that he and another member of the Licensing Enforcement team had accompanied AE on an informal driving assessment to ascertain if the applicant had improved since the last application to be licensed in the previous year. During the assessment the applicant made a number of serious errors whilst driving and it was the opinion of both officers that she was unsuitable to be licensed.

AE was in attendance and made representations to the Sub-Committee. She advised that she had undertaken various measures to improve her driving that had included additional driving lessons and driving with an experienced driver in the passenger seat of her own vehicle. She added that in her opinion, her confidence and driving ability had improved considerably in the last three years.

The Sub-Committee appreciated the additional support the applicant had sought in a bid to improve her driving. However, Members were seriously concerned at the frequency and nature of the faults noted on the driving assessment and the applicant's lack of basic knowledge of the Highway Code, which meant the applicant had failed to meet the required driving standards expected of a Hackney Carriage vehicle driver. In addition, notwithstanding the supplementary training AE had undertaken, many of the faults noted were similar to those found in the 2016 driver assessment.

Resolved: That the application for a Hackney Carriage Licence be refused on the grounds that the applicant was not a fit and proper person to be licensed.

(ii) J.P.C (Existing Hackney Carriage Driver)

The Sub-Committee noted that the drivers licence had since expired and were minded therefore to treat the case as a new application to be licensed.

JPC was in attendance and accepted responsibility for his actions. He explained that in relation to his being brought before the Sub-Committee for failure to complete mandatory prevention of Child Sexual Exploitation (CSE) training, he had been dealing with difficult personal and family circumstances and had simply forgotten to attend on the various scheduled sessions he had been enrolled on by the Licensing team.

Members were particularly concerned as the driver was the only one in the authority area that had yet to complete the training and felt that despite the personal issues alluded to by JPC, a more concerted effort could have been made to attend the CSE training.

Resolved:

1. That the applicant complete the full knowledge test again and mandatory Child Sexual Exploitation (CSE) training when completing the application process.
2. That the applicant be added to the first cohort of drivers scheduled to receive refresher training when a final date had been decided upon.

(iii) W.K(New Private Hire Driver applicant)

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Mr Andrews presented the case on behalf of the Authority. It was reported that the applicant had an extensive list of prior convictions that covered a period of 15 years. Some of those convictions involved fraud, deception and violence while others were for driving offences that included driving without insurance and driving whilst under the influence of alcohol.

WK advised that the last conviction he had was from 1993 and since then he had changed considerably and now had a family and responsibilities. He added he had been in sustained employment that included working as a fundraiser. It was also suggested that other employment options were limited given a disability the applicant had.

The Sub-Committee were ultimately satisfied that given the severity and numeracy of the offences committed by the applicant, despite the length of time that had elapsed since the last conviction, there was not enough evidence to cause them to depart from the Licensing policy on this occasion.

Resolved: That the application for a Private Hire Vehicle Drivers Licence be refused on the grounds that the applicant was not a fit and proper person to be licensed.

(iv) M.K (Existing Private Hire Driver)

Mr Mark Marshall, Head of Licensing Service, was in attendance and presented the Authority's case. He advised that with a serious concern being raised regarding the fitness of the driver to hold a Private Hire Drivers' Licence, he had been tasked in the first instance with investigating the issue.

The driver was invited to a formal interview to discuss the area of concern with the Mr Marshall and the Vice-Chairman of the Public Protection Sub-Committee. During that meeting it had been decided to refer the case for further scrutiny by the Sub-Committee.

It was reported that the driver had been accused of an offence of a sexual nature but the Police case was ongoing. The complainant had provided a statement regarding the alleged incident in which she claimed the driver had behaved inappropriately.

MK described his version of events which matched very closely the transcript of the Police interview and his previously submitted written statement. As such, Members felt the account was both consistent and plausible. The driver claimed that the complainant had made inappropriate advances and refused to provide precise details of her intended destination after repeated attempts to obtain this information.

The Sub-Committee felt that whilst the driver perhaps could have done more to avoid the situation he became involved in, they were satisfied that given his previous exemplary record as a licensed driver and the consistency and credibility of his account of the incident, that he did not present a risk to the safety of the public. However, It was agreed that the case would be reviewed should criminal proceedings be brought against the driver at a future date.

Resolved: That no further action be taken against the Private Hire Vehicle driver at present.

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Background papers: exempt

5 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 10 October 2017.

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Chairman

(The meeting ended at 7.31 pm)

Any queries regarding these minutes, please contact:
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