

Blackpool Council

29 September 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, 10 October 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 12 SEPTEMBER 2017 (Pages 1 - 4)

To agree the minutes of the last meeting held on 12 September 2017 as a true and correct record.

*** 3 CONSENT FOR PHOTOGRAPHY BY WAY OF TRADE OR BUSINESS** (Pages 5 - 12)

(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 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES** (Pages 13 - 34)

(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)

* **5 USE OF DELEGATION OF POWERS - SUSPENSION AND REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES** (Pages 35 - 38)

(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)

6 DATE OF NEXT MEETING

To note the date of the next meeting as 7 November 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.

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)

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.

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SEPTEMBER 2017**

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)

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.

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SEPTEMBER 2017**

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.

Background papers: exempt

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12
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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:
Chris Williams Democratic Governance Adviser
Tel: (01253) 477153
E-mail: chris.williams@blackpool.gov.uk

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Mark Marshall, Head of Licensing Service
Date of Meeting	10 October 2017

CONSENT FOR PHOTOGRAPHY BY WAY OF TRADE OR BUSINESS

1.0 Purpose of the report:

- 1.1 To consider applications for consent to photograph by way of a trade or business under Section 29 County of Lancashire Act 1984.

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

- 3.1 There are concerns about the suitability of the applicant therefore the Sub-Committee is required to determine whether consent should be given.

- 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.

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 is suitable to be given consent in the following cases:

S.L (New applicant)

5.2 Details of the applicant and the matters causing concern together with 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 determine whether to give consent.

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, Head of Licensing Service
Date of Meeting	10 October 2017

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

- 1.1 To consider applicants 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 applications 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 applications 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 applicants 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:

L.A.K (New Private Hire Driver applicant), S.P.S (New Private Hire Driver applicant), Z.K (New Private Hire and Hackney Carriage Driver applicant), Y.M (Existing Private Hire Driver), P.U.C (Existing Hackney Carriage Driver)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

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

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicants 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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