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Blackpool Council

1 December 2017

To: Councillors Collett, Elmes, Humphreys, Hutton, Mitchell, Robertson BEM and Mrs Scott

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 12 December 2017 at 6.00 pm
in Committee Room B, 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 7 NOVEMBER 2017 (Pages 1 - 4)

To agree the minutes of the last meeting held on 7 November 2017 as a true and correct record.

* **3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES**

(Pages 5 - 28)

(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 16 January 2018.

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.

Agenda Item 2

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 7 NOVEMBER 2017

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Humphreys	Singleton
Hobson	Mrs Scott	

In Attendance:

Mr Lennox Beattie, Executive and Regulatory Support Manager
Mrs Sharon Davies, Head of Licensing Service
Mr Mark Marshall, Licensing Health and Safety Enforcement Manager

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 10 OCTOBER 2017

The Sub-Committee considered the minutes of the meeting held on 10 October 2017.

Resolved:

That the minutes of the meeting held on 10 October 2017 be approved and 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 4 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 AMENDMENT OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES TO THREE YEAR DURATION

The Sub-Committee considered a report on amending the duration of Private Hire and Hackney Carriage driver's licences from one year to three years in duration.

Mr Marshall highlighted that there was now a statutory requirement that Councils moved to issuing licences for a three year period and that the current one year period caused a significant administrative burden for the Council.

In response to questions, Mr Marshall explained that the impact on licensed drivers would be minimised by shifting to the new duration upon renewal.

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Resolved:

To approve the amended duration of licences from one year to three years.

5 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE CRIMINAL CONVICTIONS' POLICY

The Sub-Committee considered a review of the Hackney Carriage/Private Hire Criminal Convictions.

The Sub-Committee accepted the updated version of the policy as a basis for consultation but requested the following amendments:

- (a) That paragraph 10.4 be amended to read "An applicant who has an isolated conviction related to the possession of drugs (other than supply) may be granted a licence after a minimum of 3 years for Class B or C and 5 years for Class A drugs have passed since the completion of any sentence, but consideration will be given to the nature and quantity of the drugs.
- (b) That an explicit reference to convictions for the use of mobile phones while driving be added to Section 14.

Resolved:

- 1. To approve for consultation the policy with proposed amendments as outlined in Appendix 4(a) and the additional amendments
- 2. To authorise a four-week period of consultation with the trade on the proposed amendments.

6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of an applicant and an existing Private Hire Vehicle driver 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) J.L.H. (New Private Hire Applicant)

Mr Marshall was in attendance and presented the Authority's case. He explained that the applicant had a number of convictions related to disorder and had previously been refused a driver's licence on two previous occasions. However, he acknowledged that it was now more than three years since J.L.H's last conviction.

J.L.H. was in attendance accompanied by a family member and made representations to the Sub-Committee. He highlighted that his personal situation and level of maturity had changed since his convictions which were all related to a neighbour dispute.

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The Sub-Committee considered carefully the information, it noted that J.L.H had now been conviction free for more than 3 years and accepted this as evidence of his changed character and that he was now a fit and proper person to hold such a licence.

Resolved:

That the application in respect of J.L.H. be granted.

(ii) N.C. (Existing Private Hire Driver)

Mr Marshall was in attendance and outlined the case on behalf of the authority. He explained that since the agenda papers had been completed on the 3 November, N.C had been convicted on the charge of drink-driving and banned from driving.

The driver was not in attendance and the Sub-Committee agreed to consider the referral in his absence.

The Sub-Committee concluded that given N.C's conviction for drink-driving he was clearly no longer a fit and proper person to hold a Private Hire Driver's Licence and given the seriousness of the offence that the licence be revoked with immediate effect.

Resolved:

That the Private Hire Driver's Licence in respect of N.C. be revoked with the immediate effect, in the interests of public safety.

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

Following the Sub-Committees decision on 15 August 2017 to allow an amendment to the existing delegation of powers to permit the Head of Licensing following consultation with the Chairman/Vice-Chairman to take action where serious concerns were raised regarding the fitness of a driver to hold a Hackney Carriage or Private Hire Driver's Licence, members were advised of two cases where the use of such powers had been considered but had not been used as detailed in the attached report.

Resolved:

To note the update report on the use of delegated powers.

8 DATE OF NEXT MEETING

To note the date of the next meeting as 12 December 2017.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 7 NOVEMBER
2017**

Chairman

(The meeting ended at 7.00 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	12 December 2017

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

1.1 To consider applicants 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 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.

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 are fit and proper persons to hold Hackney Carriage and Private Hire Vehicle driver's licences , in

respect of the following cases:

G.L (New Private Hire applicant), S.R.P (New Hackney Carriage applicant), S.R (New Private Hire applicant), S.R.S (New Hackney Carriage applicant)

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 applicants 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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