

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 FEBRUARY
2018**

Present:

Councillor Hutton (in the Chair)

Councillors

Hobson	Hunter	Mrs Scott
Humphreys	Robertson BEM	

In Attendance:

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

1 DECLARATIONS OF INTEREST

During consideration of the case of Private Hire driver and Vehicle Licence holder D.P.C, Councillor Humphreys became aware that he knew the driver in a personal capacity when the licence holder entered the room and therefore declared a prejudicial interest.

2 MINUTES OF THE LAST MEETING HELD ON 16 JANUARY 2018

The Sub-Committee considered the minutes of the meeting held on 16 January 2018.

Resolved:

That the minutes of the meeting held on 16 January 2018 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 3, 4, 5 and 6 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 CONSENT FOR PHOTOGRAPHY BY WAY OF TRADE OR BUSINESS

The Sub-Committee was informed of two applicants and a referral for consent for photography for trade or business, who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

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Members discussed the applications and referral as follows:

(i) A.F.L (New applicant)

The applicant was not in attendance and had not been in contact with the Licensing Service to notify them of his intentions with regards his presence at the meeting.

The Sub-Committee agreed to hear the case in the applicant's absence.

Mr Marshall reported that the Disclosure Certificate for AFL had returned clear but further enquires with Lancashire Constabulary had resulted in the discovery of concerns related to the individual on the European Database. The Sub-Committee were informed that AFL's record had been raised on two occasions and no further information had so far been received. Given the lack of clear information about the applicant's record in relation to judicial proceedings abroad, Members were concerned about the implications of granting a licence without precise knowledge of the applicant's history.

Resolved: That the application for Consent for Photography By Way of Trade or Business be refused on the grounds that the applicant was not a fit and proper person to be licensed.

(ii) B.H (New applicant)

The applicant was not in attendance and had not been in contact with the Licensing Service to notify them of his intentions with regards his presence at the meeting.

The Sub-Committee agreed to hear the case in the applicant's absence.

Mr Marshall reported that the applicant had on several occasion behaved in an unprofessional and at times aggressive and unlawful manner with the public. He had also failed to heed advice from the Licensing Service.

Of particular concern was the reported aggression and conflict that BH had found himself in with members of the public, something that would be especially relevant in relation to the applicant's proposed business activity which would likely involve working in close proximity to children who would be a witness to any dispute and/or conflicts that may arise. The Sub-Committee was advised that the latest report of the applicant using a fraudulent badge demonstrated his disrespect of the scheme of regulation.

Members discussed the application and expressed serious concerns regarding the applicant's attitude, temperament and general conduct which they felt fell far short of the expected standards.

Resolved: That the application for Consent for Photography By Way of Trade or Business be refused on the grounds that the applicant was not a fit and proper person to be licensed.

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(iii) A.P.S (Existing Licence Holder)

The licence holder was not in attendance and had not been in contact with the Licensing Service to notify them of his intentions with regards his presence at the meeting.

The Sub-Committee agreed to hear the case in the licence holder's absence.

Members were informed of a number of issues with the licence holder that included his claims that he had donated proceeds from his work to various charities which could not be substantiated or verified. In addition, concerns were noted regarding complaints made about the overall presentation of the business and the level of personal hygiene displayed by APS. In relation to concerns of a serious nature raised by members of the public, the licence holder had not been able to provide a reasonable explanation of his actions.

The Sub-Committee agreed that anyone licensed for this type of activity should have a heightened awareness regarding the overall protection of children and Members felt that the interaction with the licence holder to date demonstrated a lack of due care and attention and failure to act on any advice he had received from the Regulatory Authorities.

Resolved: That Consent for Photography By Way of Trade or Business be revoked on the grounds that the licence holder was not a fit and proper person to be licensed.

Background papers: exempt

5 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of an applicant and existing drivers who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application and referrals as follows:

(i) A.T.H (New Hackney Carriage and Private Hire Driver applicant)

Mr Marshall advised that the applicant was unable to attend due to a personal commitment and had requested that the Sub-Committee defer consideration of the case until the next meeting on 13 March 2018.

Resolved: To defer consideration of the case until the next meeting on 13 March 2018 to allow the applicant an additional opportunity to attend.

(ii) S.W (Existing Hackney Carriage Driver)

Mr Marshall presented the Authority's case. He advised Members that the vehicle operated by the driver had been presented for inspection to Council mechanics in a poor mechanical state and well below the standards outlined within the Exceptional Quality Policy guidelines. He added that the driver had done so before on separate occasions and had a track record for sub-standard maintenance.

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Mr Andrew Salthouse, Vehicle Mechanic, Blackpool Council was also in attendance and provided technical advice on the nature and severity of some of the faults identified with the vehicle.

The driver, who was in attendance, apologised for the state of the vehicle as presented for inspection and claimed he had rectified all of the faults identified with the vehicle following the inspection.

The Sub-Committee were minded to take serious action given the driver's appearance before them previously under similar circumstances and given that no supporting evidence was provided to substantiate his claims about remedial works that had been carried out on the vehicle.

Resolved:

1. The vehicle will not be permitted to be re-tested and re-licensed when its existing certificate of compliance expires.
2. To issue a final severe warning letter in relation on the Private Hire Vehicle Driver's Licence in relation to future conduct indicating that if the driver were brought before the Sub-Committee again, suspension or revocation would be the likely outcome.

(iii) T.S (Existing Hackney Carriage and Private Hire Driver)

Mr Marshall presented the Authority's case. He advised that the vehicle operated by the driver was subject to the Exceptional Quality Policy and had been found to have serious defects during an inspection.

The driver was in attendance and explained that in relation to the serious maintenance defects identified on the vehicle he operated, he had rectified all of those faults and circulated copies of receipts that he suggested validated his claim. He added that some of the faults would be difficult for a driver to spot during a daily check of the vehicle.

The Sub-Committee reasoned that the driver had demonstrated a level of disregard for public safety in allowing a vehicle in his care to deteriorate to such a degree. In addition, he had shown a lack of understanding and awareness of his maintenance responsibilities.

Resolved:

1. The vehicle will not be permitted to be re-tested and re-licensed when its existing certificate of compliance expires.
2. To issue a severe warning letter in relation on the Private Hire Vehicle Driver's Licence in relation to future conduct indicating that if the driver were brought before the Sub-Committee again, suspension or revocation would be the likely outcome.

Background papers: exempt

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6 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES

The Sub-Committee considered whether three licence holders were fit and proper persons to hold Hackney Carriage Vehicle Licences, in respect of the following cases:

(i) G.M (Existing licence holder)

The licence holder was in attendance and made representations to the Sub-Committee. He suggested that with regard to the serious mechanical faults identified on his vehicle on separate occasions, a recurring issue had been to blame and had resulted in uneven tyre wear on his vehicle. He added that despite significant investment on his part and numerous mechanics working on the vehicle, the fault had still not been rectified fully. When asked to produce paperwork to substantiate his claims, the licence holder was unable to do so.

Mr Marshall suggested that the licence holder had been given ample opportunity to prepare the vehicle for inspection and had categorically failed in that regard. The Sub-Committee accepted that whilst there may have been a recurring fault, the operator should have been especially aware of this when presenting his vehicle and ultimately could have replaced the vehicle if it was known to be unreliable.

Resolved:

1. To revoke the Private Hire Vehicle Licence on the grounds that the licence holder was not a fit and proper person to hold such a licence.
2. To issue a severe warning letter on the Private Hire and Hackney Carriage Driver's Licence in relation to future conduct indicating that if the driver were brought before the Sub-Committee again, suspension or revocation of the licence would be the likely outcome.

(ii) D.P.C (Existing licence holder)

Mr Marshall described the circumstances of the licence holder's referral to the Sub-Committee. Members were informed of serious concerns about the condition of the vehicle as presented for a routine inspection which was found to have numerous severe mechanical faults.

The licence holder, who was in attendance, explained that he assumed the purpose of the inspection was to identify faults which he would then be expected to rectify. He apologised for the lack of understanding of his responsibilities with regard to vehicle maintenance.

The Sub-Committee were concerned at the licence holder's lack of basic mechanical knowledge and of his responsibilities. However, they acknowledged the level of remorse displayed by DPC.

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Resolved:

1. To issue a severe warning letter on the Private Hire Driver's Licence in relation to future conduct indicating that if the driver were brought before the Sub-Committee again, suspension or revocation of the licence would be the likely outcome.
2. To impose the following conditions on the Private Hire Vehicle Licence.
 - The vehicle must be inspected by a suitably qualified mechanic on fortnightly basis, the licence holder or their appointed representative must then inspect the vehicle on the alternate weeks.
 - The vehicle is to be serviced every 5000 miles
 - Records of all servicing to be retained for 2 years
 - Those records to be legible
 - Those records to be produced to Enforcement or Police officers within 24 hours of the demand being made
 - A record to be kept of all inspections carried out by yourself and those inspections to be carried out at least weekly.

NOTE: During consideration of the case of Private Hire driver and vehicle licence holder D.P.C, Councillor Humphreys became aware that he knew the driver in a personal capacity and therefore declared a prejudicial interest. He left the meeting for the remainder of the case and took no part in the discussion and subsequent vote.

The Sub-Committee discussed the fact that in recent months, a relatively high number of licensed Hackney Carriage and Private Hire vehicles had been found to have considerable mechanical defects. As such, Members requested that the Licensing Service conduct a wider review of licence conditions to establish if there were additional opportunities to remind licence holders and licensed drivers of their responsibilities in relation to vehicle maintenance.

(iii) H.P.F (Existing licence holder)

The licence holder was in attendance and in relation to the serious defects found on his vehicle as outlined in the Authority's case presented by Mr Marshall, HPF suggested that he had since replaced the vehicle in question with a more modern vehicle. He accepted his part in the poor condition of the vehicle as presented and apologised to the Sub-Committee for his actions.

Members expressed concern about the licence holder's complacency and the sheer number of faults identified on his vehicle during the inspection. The Sub-Committee felt that the only way to ensure greater compliance in the future would be to impose conditions on the vehicle licence.

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Resolved:

1. 1. To issue a severe warning letter on the Private Hire Driver's Licence in relation to future conduct indicating that if the driver were brought before the Sub-Committee again, suspension or revocation of the licence would be the likely outcome.
2. To impose the following conditions on the Private Hire Vehicle Licence.
 - The vehicle must be inspected by a suitably qualified mechanic on fortnightly basis, the licence holder or their appointed representative must then inspect the vehicle on the alternate weeks.
 - The vehicle is to be serviced every 5000 miles
 - Records of all servicing to be retained for 2 years
 - Those records to be legible
 - Those records to be produced to Enforcement or Police officers within 24 hours of the demand being made
 - A record to be kept of all inspections carried out by yourself and those inspections to be carried out at least weekly.

(iv) S.P (Existing licence holder)

Mr Marshall advised that the licence holder was unable to attend due to a personal commitment and requested that the Sub-Committee defer consideration of the case until the next meeting on 13 March 2018.

Resolved: To defer consideration of the case until the next meeting on 13 March 2018 to allow the licence holder an additional opportunity to attend.

(v) S.S (Existing licence holder)

The licence holder was not in attendance and made no representations to the Sub-Committee.

Mr Marshall advised that the Licensing Service had no objections to the removal of licence conditions attached to the Hackney Carriage Vehicle Licence as they were applicable to the previous licence holder only.

The Sub-Committee agreed that the request was reasonable and that the licence holder had not been required to attend the meeting.

Resolved:

To remove all conditions previously applied to the Hackney Carriage Vehicle Licence on the grounds they did not apply to the new licence holder.

Background papers: exempt

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7 REGISTRATION OF NON-COMMERCIAL SOCIETY (FOR USE BY A SMALL SOCIETY LOTTERY)

(i) W.L (Non-Commercial Society Small Society Lottery applicant)

Mr Marshall presented the application for registration of a Non-Commercial Society and added that there were concerns about the suitability of the applicant and therefore it would be for the Sub-Committee to determine.

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

Members were informed that the application was in support of a scheme where participants would be encouraged to purchase a ticket for £20 to allow entry into a prize draw raffle in which the sole prize would be a used motor vehicle with a value to be determined by the applicant but not in excess of £20,000 per raffle, per month. The applicant advised that it would be his responsibility to source the prize vehicle at cost and to ensure its roadworthiness and any associated warranty packages.

WL advised that the proceeds from the raffle would be used to donate an amount to a chosen charity, to cover reasonable expenses and to buy the next prize vehicle. Prior to the meeting, the Licensing Service advised the applicant via telephone that in order for his application to be considered, he would need to formulate and submit a formal written Constitution and Articles of Association. During their discussion, the applicant had suggested he would be the only paid employee taking only enough money cover basic living expenses.

When questioned about his background, relevant experience and business plan, Members were unconvinced by the content of the answers provided by the applicant and felt that there was insufficient evidence that the scheme would work based on his limited representations.

The Sub-Committee praised the applicant's entrepreneurial spirit and ambition but ultimately were not satisfied with the proposal as submitted based on a perceived lack of business acumen, details about his precise motivations and concerns about the constitution and levels of accountability and oversight of the company's actions.

Resolved:

That the application for registration of a Non-Commercial Society (Small Society Lottery) be refused on the grounds that the Sub-Committee could not be certain that it would be operated as a non-commercial society.

Background papers: exempt

8 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE EXCEPTIONAL QUALITY POLICY

The Sub-Committee considered the Hackney Carriage/Private Hire Exceptional Quality Policy and the proposed amendments and whether to authorise a period of consultation with the trade.

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Mr Bill Lewtas and Mr Stephen Buckley from the Blackpool Licensed Taxi Operators' Association (BLOTA) were in attendance and made representations to the Sub-Committee.

Mr Marshall explained that the Hackney Carriage and Private Hire Exceptional Quality Policy had been in force in its current form since 2010 and that currently, 112 Licensed Hackney Carriages and two Private Hire vehicles were subject to the policy.

Following a meeting with representatives of the Hackney Carriage trade, Mr Lewtas advised that concerns had been raised regarding the ambiguity of the policy and it was suggested that some revision and amendments may be required. All parties agreed to this course of action and the date of 15 January 2018 was set to review the amendments suggested by all parties.

The Sub Committee noted that the majority of the proposal put forward reflected difficulties in obtaining original manufactured parts. Mr Marshall suggested that the proposed changes still provided a high standard and would not affect the policy's overall expectations. In addition to the amendments outlined in the document, it was agreed that a small number of additional amendments raised during the discussion would be incorporated into the document to improve readability prior to any consultation with the licensed trade commencing.

As a separate issue, Mr Lewtas and Mr Buckley informed the Sub-Committee of a recent spate of incidents that had involved anti-social behaviour and attacks by youths on licensed vehicles using various projectiles.

Resolved:

1. To provide clarification on points raised by the Blackpool Licensed Taxi Operators' Association (BLOTA) representatives and make additional amendments to the Exceptional Quality Policy document as per the discussion.
2. To authorise a period of consultation with the trade for a duration of four weeks to begin on Monday 12 February 2018.

9 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 13 March 2018.

Chairman

(The meeting ended at 8.38 pm)

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