

Blackpool Council

22 June 2018

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, 3 July 2018 at 6.00 pm (or on the rising of the Licensing Committee, whichever is earliest)
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.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

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 either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

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 5 JUNE 2018 (Pages 1 - 10)

To agree the minutes of the last meeting held on 5 June 2018 as a true and correct record.

* **3 PRIVATE HIRE DRIVERS LICENCES** (Pages 11 - 24)

(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 31 July 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.

Present:

Councillor Collett (in the Chair)

Councillors

Elmes	Humphreys	Mrs Scott
Hobson	Robertson BEM	Singleton

In Attendance:

Mr Lennox Beattie, Executive and Regulatory Support Manager
Mrs 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 8 MAY 2018

The Sub-Committee considered the minutes of the last meeting held on 8 May 2018.

Resolved:

That the minutes of the meeting held on 8 May 2018 be approved and signed by the Chairman.

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 items 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 TAXI FARES REVIEW FOR 2018/19 - BLACKPOOL LICENSED TAXI OPERATORS ASSOCIATION (BLTOA) SUBMISSION

The Sub-Committee considered a proposal from the Blackpool Licensed Taxi Operators Association to review the fares charged by Hackney Carriages in Blackpool.

Mr Bill Lewtas was in attendance and presented the submission on behalf of the association. Mr Lewtas highlighted his view that no significant increases had been imposed since 2012 with some minor changes in 2015. He further explained that the organisation had spent a lot of time considering the issue as his organisation was in agreement that a balance was required between the increasing costs of running a taxi, what the market could bear and the prices charged by alternatives and the comparable

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 5 JUNE 2018

prices of neighbouring authorities.

In response to questions Mr Lewtas explained that the requested reduction of the tariff on New Year's Day to tariff 3 from tariff 4 during the date mirrored the previously agreed reduction on Boxing Day. Mr Lewtas stated that many of his association's members felt that the tariff was excessive and restricted demand on that day.

Resolved:

To approve the following proposed amendments to the Blackpool Hackney Carriage tariffs as outlined for advertised and to agree to implement these changes on the expiry of the consultation if no objections are received:

- i. That a change be made to the taxi meter waiting time from 20p every 45 seconds to 20 p every 40 seconds.
- ii. That the start time of Tariff 3 be brought forward from the current time of 2.00am to 1.00am
- iii. That the current extra charge of 20p for additional passengers, suitcases, dogs (excluding assistance dogs) be increased to 30p.
- iv. That the cleaning charge for passengers that soil the taxi be increased from £30 currently to £40.
- v. That the New Year's Day tariff 4 charges be reduced to Tariff 3.

5 PRIVATE HIRE OPERATOR'S APPLICATION

The Sub-Committee considered an application for a Private Hire Operator's Licence submitted for Fylde Executive Cars in the name of John Lewis Coombs. The application was located outside the Blackpool boundary, the Sub-Committee was reminded that the Hackney Carriage and Private Hire Policy stated that applications would not be granted to businesses not located within the Blackpool Council boundary.

Mr Coombs was in attendance and outlined the application to the Sub-Committee. He explained that the business would be located within the Blackpool Airport Enterprise Zone and within 100 yards of the boundary. He further confirmed that the operating company was already licensed by Fylde Borough Council and the application was seeking to enable the operator to use Blackpool licensed vehicles and drivers in addition to those licensed by Fylde Borough Council.

The Sub-Committee considered carefully the application but did not consider that it should deviate from the previously agreed policy. It considered that there remained benefits to issuing Private Hire Operator's Licences to those located with the Blackpool boundary.

Resolved:

That the application for a Private Hire Operator's Licence be refused on the grounds that the application was not to be located within the Blackpool Council area and there were no grounds to deviate from the Hackney Carriage and Private Hire Policy.

6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of applicant and two 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 appropriate.

(i) F.T. (New Applicant)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and advised the Sub-Committee that the applicant had previously had his Hackney Carriage and Private Hire Vehicle Driver's Licence revoked on 30 January 2013 following a serious accusation and associated concerns as to his conduct. F.T. had subsequently applied for a licence and been refused on the 16 March 2015 due to similar concerns.

F.T. was in attendance accompanied by his solicitor and made representations to the Sub-Committee. It was emphasised that while F.T. had been charged with a very serious offence he had not been convicted and no evidence had been offered at court. It was further explained that since the revocation of his licence, the applicant's personal circumstances had changed in that he had married and was now a father.

The Sub-Committee considered carefully the evidence submitted. While accepting that F.T. had not been convicted- it still considered that the conduct admitted to by F.T. could not be considered acceptable for a licensed driver. It considered that it was likely that F.T. had abused the trust given to him as a licensed driver and used his position to meet vulnerable people. The Sub-Committee was not satisfied that F.T. would not misuse his position in the future. It therefore concluded that F.T. was not a fit and proper person to hold such a licence.

Resolved:

That the application in respect of F.T. be refused on the grounds that based on his admitted previous conduct F.T. is not a fit and proper person to hold such a licence.

(ii) J.H.S (New Applicant)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and advised the Sub-Committee that J.H.S. had declared two historical offences in his application- one of theft or one of a sexual nature. While these offences had occurred in excess of thirty years they were still offences of a nature that the Hackney Carriage and Private Hire treated very seriously.

J.H.S was in attendance and made representations to the Sub-Committee. He expressed remorse for the two offences but emphasised that both were a long ago and his conduct

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 5 JUNE 2018

since that date.

The Sub-Committee considered carefully the evidence and concluded that application should be granted given the time elapsed since the offences and their isolated nature when compared with the applicant's conduct since the offences.

Resolved:

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

iii) M.S.F (Existing Licence Holder)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance accompanied by Mr Dave Verity, Public Protection Officer, and advised that M.S.F had been referred to the Sub-Committee due to concerns regarding the state of the vehicle that he was driving. The vehicle had been stopped for a random spot check due to concerns as to its roadworthiness and then inspected at the Council's Vehicle Maintenance Unit where it was found that the vehicle was not in a suitable state mechanically nor safe or comfortable for passengers.

M.S.F. was in attendance- he expressed his remorse for the situation but highlighted that a number of the faults would not have been obvious and that he was one of a number of drivers of the vehicle.

The Sub-Committee expressed concern as to the condition of the vehicle driven by M.S.F and considered that the faults were so numerous that it should have been obvious to any diligent licensed driver. It therefore concluded that the best way to mark the concerns would be the issuing of a warning letter as to future conduct.

Resolved:

That the referral be dealt by the issuing of a warning letter as to future conduct advising that if the licence holder were brought before the Sub-Committee again in the future, suspension or revocation could result.

iv) AA (Existing Licence Holder)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance accompanied by Mr Dave Verity, Public Protection Officer, and advised that A.A had been referred to the Sub-Committee due to concerns regarding the state of the vehicle that he was driving. The vehicle had been stopped for a random spot check due to concerns as to its roadworthiness and then inspected at the Council's Vehicle Maintenance Unit where it was found that the vehicle was not in a suitable state mechanically nor safe or comfortable for passengers. Of particular concern on this occasion were the vehicle's tyres which were below the legal minimum.

A.A was in attendance he expressed his remorse for the situation but highlighted that a number of the faults would not have been obvious and that he was one of a number of drivers of the vehicle. He explained that the tyre wear was exceptional and caused by a fault with the vehicle's tracking.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 5 JUNE 2018

The Sub-Committee expressed concern as to the condition of the vehicle driven by A.A and considered that the state of the tyres were such that it should have been obvious to any diligent licensed driver. It therefore concluded that the best way to mark the concerns would be the issuing of a warning letter as to future conduct.

Resolved:

That the referral be dealt by the issuing of a warning letter as to future conduct advising that if the licence holder were brought before the Sub-Committee again in the future, suspension or revocation could result.

7 PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENCES

The Sub-Committee considered referrals in respect of

i) P.W.S

This referral was dealt with together with referral ii) J.S.C. as the two Licence Holders jointly held four Hackney Carriage vehicle licences.

Mr Ryan Ratcliffe, Licensing Officer was in attendance, he explained that a vehicle licensed jointly by P.W.S. and J.S.C. had had been stopped for a random spot check due to concerns as to its roadworthiness and then inspected at the Council's Vehicle Maintenance Unit where it was found that the vehicle was not in a suitable state mechanically nor safe or comfortable for passengers. Of particular concern on this occasion were the vehicle's tyres which were below the legal minimum. The driver's role in this incident has been considered under Item 6- referral of A.A.

P.W.S. was in attendance and made representations to the Sub-Committee. He highlighted that both himself and J.S.C had held licences for many years. That the vehicle had been regularly maintained and inspected by a qualified mechanic who had identified an issue with the electrics but passed the vehicle as fit for use. He outlined his view that the tyre wear had been accelerated by a fault with the vehicle's tracking- he also outlined that the drivers of the vehicle had not highlighted this issue of the tyres to himself or his fellow licence holder and that they could have easily had the tyre replaced at a number of local garages immediately.

The Sub-Committee considered carefully the evidence submitted by all parties. It concluded that while P.W.S. had taken steps to ensure that the vehicle was roadworthy. It was still clear that on this occasion- the vehicle was not in a mechanically suitable, safe or comfortable condition. The Sub-Committee concluded that while it would not be reasonable to revoke this licences on this occasion given lack of previous issues with the licence holders that these were serious faults with a licensed vehicle so that it was necessary and proportionate to issue a warning letter as to future conduct and impose conditions on the licence.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 5 JUNE 2018

Resolved:

1. That the referral be dealt by the issuing of a warning letter as to future conduct advising that if the licence holders were brought before the Sub-Committee again in the future, suspension or revocation could result.
2. That the following conditions be added to the licence:
 - a) *The licence holder or their appointed suitably qualified taxi mechanic must inspect the vehicle on a weekly basis.*
 - b) *The vehicle is to be serviced every 5000 miles*
 - c) *Records of all servicing to be retained for 2 years*
 - d) *Those records to be legible*
 - e) *Those records to be produced to Enforcement or Police officers within 24 hours of the demand being made*
 - f) *A record to be kept of all inspections carried out by yourself and those inspections to be carried out at least weekly.*
- ii) J.S.C.

This referral was dealt with together with referral i) P.W.S. as the two Licence Holders jointly held four Hackney Carriage vehicle licences.

Mr Ryan Ratcliffe, Licensing Officer was in attendance, he explained that a vehicle licensed jointly by P.W.S. and J.S.C. had had been stopped for a random spot check due to concerns as to its roadworthiness and then inspected at the Council's Vehicle Maintenance Unit where it was found that the vehicle was not in a suitable state mechanically nor safe or comfortable for passengers. Of particular concern on this occasion were the vehicle's tyres which were below the legal minimum. The driver's role in this incident has been considered under Item 6- referral of A.A.

P.W.S. was in attendance and made representations to the Sub-Committee. He highlighted that both himself and J.S.C had held licences for many years. That the vehicle had been regularly maintained and inspected by a qualified mechanic who had identified an issue with the electrics but passed the vehicle as fit for use. He outlined his view that the tyre wear had been accelerated by a fault with the vehicle's tracking- he also outlined that the drivers of the vehicle had not highlighted this issue of the tyres to himself or his fellow licence holder and that they could have easily had the tyre replaced at a number of local garages immediately.

The Sub-Committee considered carefully the evidence submitted by all parties. It concluded that while P.W.S. had taken steps to ensure that the vehicle was roadworthy. It

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 5 JUNE 2018

was still clear that on this occasion- the vehicle was not in a mechanically suitable, safe or comfortable condition. The Sub-Committee concluded that while it would not be reasonable to revoke this licences on this occasion given lack of previous issues with the licence holders that these were serious faults with a licensed vehicle so that it was necessary and proportionate to issue a warning letter as to future conduct and impose conditions on the licence.

Resolved:

1. That the referral be dealt by the issuing of a warning letter as to future conduct advising that if the licence holders were brought before the Sub-Committee again in the future, suspension or revocation could result.

2. That the following conditions be added to the licence:

a) The licence holder or their appointed suitably qualified taxi mechanic must inspect the vehicle on a weekly basis.

b) The vehicle is to be serviced every 5000 miles

c) Records of all servicing to be retained for 2 years

d) Those records to be legible

e) Those records to be produced to Enforcement or Police officers within 24 hours of the demand being made

f) A record to be kept of all inspections carried out by yourself and those inspections to be carried out at least weekly.

iii) S.D.J.L.

Mr Ryan Ratcliffe, Licensing Officer, was in attendance, he explained that a vehicle licensed by S.D.J.L. had had been stopped for a random spot check due to concerns as to its roadworthiness and then inspected at the Council's Vehicle Maintenance Unit where it was found that the vehicle was not in a suitable state mechanically nor safe or comfortable for passengers. The Licensing Service's opinion remained that a large number of the faults would have been obvious to a diligent driver or the proprietor of the vehicle undertaking regular inspection. The driver's role in this incident has been considered under Item 6- referral of M.S.F. Mr Ratcliffe highlighted to members that S.D.J.L. had previously appeared before the Sub-Committee in February 2013 and had conditions imposed on his licences including that The Licence Holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis.

S.D.J.L. was in attendance and made representations to the Sub-Committee. He explained that the faults with the vehicle had not been brought to his attention as Licence Holder by any of the drivers of the vehicle. He stated that once these faults were brought to his attention- the vehicle had been replaced a newer vehicle. In response to questioning by the Sub-Committee, S.D.J.L. confirmed that he had been

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 5 JUNE 2018

unclear as to the conditions on his licences but would adhere to any conditions imposed on his licences in the future.

The Sub-Committee considered carefully the evidence submitted by all parties. It noted that the responsibility for ensuring that a licensed vehicle was roadworthy, safe and comfortable remained that of the licence holder. The Sub-Committee was satisfied that had the Licence Holder completed checks as required by the conditions on his licences then these faults would have been identified and was therefore not satisfied that the conditions had been adhered to. It considered that by virtue of failure to ensure that licensed vehicles were in safe condition and by failure to adhere to the conditions previously imposed by the Sub-Committee S.D.J.L. had demonstrated that he was not a fit and proper person to hold such licences.

Resolved:

That the licences in respect of S.D.J.L. be revoked on the grounds that he is not a fit and proper person to hold such licences.

iv) P.V.H.

Mr Ryan Ratcliffe, Licensing Officer, was in attendance, he explained that a vehicle operated by P.V.H. had been stopped by enforcement officers due to concerns as to its roadworthiness and then inspected at the Council's Vehicle Maintenance Unit where it was found that the vehicle was not in a suitable state mechanically nor safe or comfortable for passengers. Of particular concern on this occasion was one of the vehicle's tyres which was below the legal minimum.

P.V.H. was in attendance accompanied by a work colleague. He highlighted that he had been for many years a licensed driver and held a vehicle licence. He further explained that for a number of months he had been driving a replacement vehicle as his vehicle had been involved in an accident where he had not been at fault. P.V.H. stated that he had raised the state of the tyre to the company supplying the vehicle on numerous occasions including when he had taken the vehicle to the company's garage seeking a replacement as he had believed the tyre to be worn. He explained that on that occasion a mechanic had inspected the vehicle and told him that the tyre met the legal requirements. P.V.H. emphasised that he felt that the service provided by the replacement vehicle company had been inadequate and that he would be progressing a complaint against the firm.

The Sub-Committee considered carefully the evidence and concluded it was unclear as to whose responsibility the tyre issue rested with. The Sub-Committee agreed that P.V.H. had acted in a reasonable manner and that

Resolved:

That no action be taken in respect of the referral of P.V.H.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 5 JUNE 2018

8 DATE OF NEXT MEETING

To note the date of the next meeting as 3 July 2018.

Chairman

(The meeting ended at 8.50 pm)

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

This page is intentionally left blank

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager - Public Protection
Date of Meeting	3 July 2018

PRIVATE HIRE DRIVERS LICENCES

1.0 Purpose of the report:

1.1 To consider two 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 Private Hire Vehicle driver's licences, in respect of the

following cases:

D.A.M (New Applicant), C.P.P (New 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

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

This page is intentionally left blank