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Blackpool Council

21 September 2018

To: Councillors Collett, Hobson, Humphreys, Hutton, Owen, Robertson BEM and Mrs Scott

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 2 October 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 4 SEPTEMBER 2018

(Pages 1 - 4)

To agree the minutes of the last meeting held on 4 September 2018 as a true and correct record.

*** 3 PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

(Pages 5 - 10)

(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 6 November 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, 4 SEPTEMBER 2018

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Humphreys	Robertson BEM
Hobson	Owen	Mrs Scott

In Attendance:

Mrs Sharon Davies, Senior Solicitor
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 31 JULY 2018

The Sub-Committee considered the minutes of the last meeting held on 31 July 2018.

Resolved:

That the minutes of the meeting held on 31 July 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 3 and 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 HORSE DRAWN HACKNEY CARRIAGE DRIVER'S LICENCE

Members were informed of a Horse Drawn Hackney Carriage licence applicant who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as follows:

T.W.C (New Applicant)

Mr Ryan Ratcliffe, Licensing Officer was in attendance and advised the Sub-Committee that the applicant had a previous conviction for an animal welfare offence and another

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2018**

for threatening behaviour.

TWC was in attendance with a friend and advised that in relation to the animal welfare offence, he claimed he had been the victim of an unfortunate incident whereby a horse and foal had been abandoned on his land and both were already in poor health. He advised that he had taken it upon himself to try and nurse the animals back to health but following a visit by the RSPCA, the animals were deemed to have been in a state of neglect. The applicant claimed to have worked with horses for most of his adult life and to have a good track record looking after his own animals. He admitted that in hindsight, it would have been prudent to contact the RSPCA immediately after finding the horses on his land rather than attempting to help them first. TWC's friend suggested that in his opinion, the practice of abandoning animals had become fairly commonplace and in such cases, the care of those animals then became the legal responsibility of the landowner.

The applicant submitted various personal references for the Sub-Committee's consideration which contained significant praise for TWC and alleviated some of the Member's concerns.

With regard to the other offence for threatening behaviour, members were satisfied with the applicant's account of events which described the incident in question as a straightforward dispute between members of his family and a neighbour.

The Sub-Committee reasoned that despite concerns about the applicant's poor decision making in relation to the horses left on his land, his intentions seemed to be honourable and the personal references he presented confirmed those sentiments.

Resolved: To grant the Horse Drawn Hackney Carriage Licence.

Background papers: exempt

5 HACKNEY CARRIAGE DRIVER'S LICENCE

Members were informed of a Hackney Carriage Driver who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the referral as follows:

- (i) A.J.M. (Existing licence holder)

The licence holder AJM was in attendance and made representations to the Sub-Committee.

Mr Ratcliffe advised the Sub-Committee that the licence holder had separate convictions for battery and harassment and had been issued a severe warning letter by the Sub-Committee on 22 November 2012.

AJM described a difficult series of personal circumstances in which he claimed his former partner had prevented him from having access to their daughter. As a result, the licence holder had endured various family court proceedings and pursued his partner in a bid to

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have some form of relationship with their daughter. AJM expressed regret for the assault on his partner and claimed he overreacted after she had taunted him on numerous occasions. With regards to the harassment offence, the licence holder claimed he had never been threatening or abusive to the family of his estranged partner and had only sought to ascertain the whereabouts of his daughter through them.

AJM assured Members that he was now in a stable relationship and had other children to look after. He added that as he had exhausted all legal options to try to contact his daughter, he had had to accept the likelihood that he might never see her again.

The Sub-Committee accepted that AJM had been involved in an exceptionally difficult custody dispute which had led him to take action out of desperation which he later came to regret. Despite concerns about his behaviour and the potential to relapse, the Sub-Committee sympathised with the licence holder's difficult situation and accepted that where he had acted irrationally, he had done so out of a sense of instinct and duty of care to his child and as such, he did not present a risk to members of the public.

Resolved: That no further action be taken against the licence holder.

Background papers: exempt

6 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 2 October 2018.

Chairman

(The meeting ended at 6.53 pm)

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

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Agenda Item 3

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager - Public Protection
Date of Meeting	2 October 2018

PRIVATE HIRE VEHICLE DRIVERS LICENCE

1.0 Purpose of the report:

- 1.1 To consider an applicant who has been convicted of offences or who has otherwise given reasons for concern.

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 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 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 a fit and

proper person to hold a Private Hire Vehicle driver's licence , in respect of the following case:

E.M.L (New Private Hire 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 case (not for publication)

6.0 Legal considerations:

- 6.1 The Sub-Committee must be satisfied that the applicant is a fit and proper person 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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