

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 15 JANUARY
2019**

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Humphreys	Mrs Scott
Hobson	Robertson BEM	

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 4 DECEMBER 2018

The Sub-Committee considered the minutes of the last meeting held on 4 December 2018.

Resolved:

That the minutes of the last meeting held on 4 December 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 items, including the decisions referred to at Agenda items 3, 4 and 5 (Minute items 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 HORSE DRAWN HACKNEY CARRIAGE LICENCES

A.C.H (Existing Horse Drawn Hackney Carriage Driver)

Mr Ryan Ratcliffe presented the relevant information on behalf of the Authority. It had been alleged by two members of the public that the licence holder had punched and verbally abused a horse in his care whilst stood at a Hackney Carriage rank on the Promenade. One of the complainants, Mr Russell was in attendance and made representations to the Sub-Committee. When asked to identify the perpetrator, he motioned to the licence holder, also present. In addition to the witness's account of the

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incident, Mr Ratcliffe advised that the licence holder had various previous convictions for offences of a violent nature and for dishonesty.

ACH was represented by his solicitor, Mr Cobain who reported that his client had worked with horses for over 30 years and had held his licence since 1988. During that time it was claimed that the licence holder had never committed any violent acts against a horse in his care. Several written character references were presented and the licence holder's wife and a colleague provided verbal representations to Members of the Sub-Committee that suggested ACH was very unlikely to have been involved in such an incident. Mr Cobain noted some minor inconsistencies in the written statement Mr Russell provided shortly after the alleged incident took place and his representation to the Sub-Committee. According to the licence holder, the horse in question was known to be quite 'head-shy', a term used to describe a horse that shakes its head often and when approached too closely and it was suggested that perhaps this reaction is what the complainant observed. However, Mr Russell remained adamant that what he saw was the licence holder strike the animal and verbally abuse it.

Members noted the licence holder had never been convicted of an offence for animal cruelty and some of the evidence was in dispute. The character references and representations describing ACH and the possible nature of the horse were also taken into account. However, two separate complainants had offered similar statements though little weight was attached to the statement from Ms Scott, who had seemed reluctant to attend. Given the less than satisfactory explanation of the events offered by the licence holder and his solicitor, the Sub-Committee was led to take a dim view. Given the concerns about such a display of violence and verbal abuse in a crowded public setting and the use of unreasonable force by the licence holder, an acknowledgement of the lengths the complainants had gone to ensure ACH would be dealt with and the probability that the incident had indeed occurred, the Sub-Committee felt that the safety of the public and of animals in ACH's care could no longer be guaranteed.

Resolved:

That the Horse Drawn Hackney Carriage Driver's Licence be revoked in the interests of public safety and given that the licence holder was not a fit and proper person.

Background papers: exempt

5 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

(i) AWB – Existing Driver

Resolved: Given the time taken to reach a decision at minute item 4 on the agenda, the Sub-Committee agreed to defer consideration of the case until the next meeting on 12 February.

(ii) KBJ – Existing Driver

Resolved: Given the time taken to reach a decision at minute item 4 on the agenda, the Sub-Committee agreed to defer consideration of the case until the next meeting on 12 February.

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(iii) SLB – Private Hire Driver applicant

The Sub-Committee agreed to hear the case owing to the fact that the applicant was in attendance and reported that he had served a period of disqualification from driving and had his Private Hire Vehicle Driver's Licence revoked with immediate effect under the use of delegated powers following a decision taken by Mr Petrak, Trading Standards and Licensing Manager and after consultation with Cllr Hutton.

SLB expressed regret for the motoring offences which had caused him to become disqualified under the totting-up procedure but added that a single offence which had resulted in six penalty points being issued was not entirely his fault and was as a result of an administrative error with a new vehicle owner and corresponding paperwork. Following a period of disqualification, the Magistrates Court had allowed SLB to have his driver's licence reinstated and without any active points.

The Sub-Committee considered the representations made by the applicant and accepted that whilst he had been responsible for all the motoring offences committed and as a licensed driver should be especially careful to avoid accruing penalty points, Members accepted that the explanations given seemed honest and reasonable and saw no reason not to allow the licence to be granted.

Resolved:

To grant the Private Hire Vehicle Driver's Licence.

(iv) RDC – New Applicant

Resolved: Given the time taken to reach a decision at minute item 4 on the agenda, the Sub-Committee agreed to defer consideration of the case until the next meeting on 12 February.

(v) CRN – New Applicant

Resolved: Given the time taken to reach a decision at minute item 4 on the agenda, the Sub-Committee agreed to defer consideration of the case until the next meeting on 12 February.

(vi) DSJ – New Applicant

Resolved: Given the time taken to reach a decision at minute item 4 on the agenda, the Sub-Committee agreed to defer consideration of the case until the next meeting on 12 February.

Background papers: exempt

6 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES

(i) TJS – Existing Hackney Carriage Vehicle and Driver's Licence holder

Mr Ratcliffe, Licensing Officer and Mr Taylor, Public Protection Officer were both in

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attendance and outlined the case on behalf of the Authority. It was reported that following a routine inspection carried out at the Central Vehicle Maintenance Depot by qualified mechanics, the vehicle operated as a taxi by the licence holder was found to have a number of serious mechanical defects.

TJS was in attendance with his solicitor, Mr Woosnam and both provided representations to Members of the Sub-Committee. It was suggested that the licence holder had never previously been before the Sub-Committee for any reason in over 25 years as a licensed driver. It was suggested that the licence holder had been let down by his regular mechanic who had failed to spot or repair any of the faults identified during the inspection despite having been to the garage on at least three occasions in the previous month including for a service the day before the inspection. This was evidenced in the form of receipts and a signed letter from the garage which were presented to the Committee.

Members were concerned that some of the vehicle defects identified should have been picked up by such an experienced driver during the course of his routine inspections. However, many of the faults were to the underside of the vehicle and not obvious. Moreover, the fact the driver had never previously given cause for concern and the documentation presented appeared to support the notion that perhaps the mechanic TJS used had failed to adequately prepare the vehicle prior to the pit inspection.

Resolved:

1. To impose the following conditions on the 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.

2. To issue a warning letter in relation to future conduct indicating if the licence holder were brought before the Sub-Committee again the likely result would be suspension or revocation of the licence.

(ii) PE - Existing Hackney Carriage Vehicle and Driver's Licence holder

Resolved: Given the time taken to reach a decision at minute item 4 on the agenda, the Sub-Committee agreed to defer consideration of the case until the next meeting on 12 February.

Background papers: exempt

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7 DATE OF NEXT MEETING

It was noted that the next meeting would be held on 12 February 2019.

Chairman

(The meeting ended at 9.38 pm)

Any queries regarding these minutes, please contact:
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