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Blackpool Council

1 February 2019

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, 12 February 2019 at 5.00 pm
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 15 JANUARY 2019 (Pages 1 - 6)

To agree the minutes of the last meeting held on 15 January 2019 as a true and correct record.

* **3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES** (Pages 7 - 50)

(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 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES** (Pages 51 - 74)

(This item contains personal information regarding licence holders which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

5 DATE OF NEXT MEETING

To note the date of the next meeting as 26 March 2019.

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.

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, 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 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.

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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 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.

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(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.

(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.

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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 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.

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(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

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:

Chris Williams Democratic Governance Adviser

Tel: (01253) 477153

E-mail: chris.williams@blackpool.gov.uk

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	12 February 2019

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

- 1.1 To consider applicants and licence holders 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 and referrals 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 and referrals.

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 and licence

holders are fit and proper persons to hold Hackney Carriage and Private Hire Vehicle driver's licences , in respect of the following cases:

A.W.B (Existing), K.B.J (Existing), D.S.S (Existing), R.D.C (New), C.R.N (New), D.S.J (New)

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 and licence holders 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	12 February 2019

HACKNEY CARRIAGE VEHICLE LICENCES

1.0 Purpose of the report:

1.1 To consider whether or not the licence holders are fit and proper persons to hold a Hackney Carriage vehicle licence.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the referrals as appropriate.

3.0 Reasons for recommendation(s):

3.1 Licensed vehicles are responsible for transporting passengers. It is important for the protection of the public that only suitable vehicles that are fit for purpose 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

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 licence holders are fit and proper persons to hold a Hackney Carriage vehicle licence, in respect of the following cases:

P.E (Existing), S.D.J.L (Existing)

5.2 Matters causing concern and any supporting documents are attached at Appendix 4(a)

5.3 Does the information submitted include any exempt information? Yes

5.4 List of Appendices:

Appendix 4(a) Details of case (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the conditions are no longer reasonably necessary.

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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