

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 26 MARCH
2019**

Present:

Councillor Hutton (in the Chair)

Councillors

Collett

Hobson

Robertson BEM

Mrs Scott

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 12 FEBRUARY 2019

The Sub-Committee considered the minutes of the last meeting held on 12 February 2019.

Resolved:

That the minutes of the meeting held on 12 February 2019 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 minute item 6, 7 and 8 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 SHARING SCHEME

Bill Lewtas and Richard Ellison of the Blackpool Licensed Taxi Operator Association (BLTOA) presented the proposal to vary the Blackpool Borough Council (Taxi hire at Separate Fares) Scheme 1990.

Members considered the proposals and expressed concerns about an overall lack of detail contained within the document as submitted pertaining to specific examples of shared taxi scenarios and it was suggested that greater clarity would be required for the scheme to be successful and for both fare paying passengers and licensed drivers to fully understand the practices involved. In particular, Members wished to avoid potential cases

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of overcharging customers, refusal of fares and to see evidence of the consideration of safeguarding issues.

The Sub-Committee agreed the scheme could be viable and could benefit customers and licensed drivers, though it required more work before it could be formally approved.

Resolved:

1. Given the complexity of the Taxi Share Scheme as presented, the Licensing Service and BLTOA representatives to discuss the proposals in greater detail at the Taxi Liaison meeting on 1 April 2019.
2. The revised Taxi Share Scheme proposal to be brought back to the Sub-Committee once finalised for further consideration.

5 APPLICATION TO LICENCE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE

The Sub-Committee considered an application to license a modified Horse-Drawn Hackney Carriage. During consideration of the application, Members conducted a visual inspection of the Carriage.

The applicant Mr Metcalf was in attendance at the meeting.

Mr Ratcliffe, Licensing Officer, who was in attendance, informed the Sub-Committee that the Carriage on display had yet to be inspected by the Council's Carriage Inspector and this would be done as soon as he was available to carry out the inspection.

Resolved:

That the application to license a modified Horse-Drawn Hackney Carriage be granted in the case of Mr Metcalf subject to a satisfactory outcome of an inspection by the Council's Carriage Inspector.

6 SCRAP METAL DEALERS LICENCE

The Sub-Committee considered an applicant for a Scrap Metal Dealer Licence who had given reasons for concern in respect of the following case:

M.S (New Applicant)

M.S was not in attendance and therefore made no representations to the Sub-Committee. Members agreed to hear the case in her absence.

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and outlined the relevant information on behalf of the Authority. Concerns were expressed over M.S's suitability, given the fact that she did not possess a valid full UK driver's licence and instead wished to act as a collector whilst another person would act as a driver.

The Sub-Committee considered the evidence and expressed concern as to the desired Scrap Metal collection arrangement involving a separate driver and scrap collector

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essentially using a single licence. Members did not want to set a precedent for this type of unusual arrangement and questioned how the applicant, if licensed, would be able to operate within the restrictions placed by the relevant legislation.

Resolved:

That the application for a Scrap Metal Dealer's Licence in respect of M.S. be refused on the grounds that the proposed operation would not be in keeping with Licensing Policy and the applicant would not be able to operate in a way that conformed with the Policy.

Background papers: exempt

7 HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee was informed of a licence holder who had been convicted of offences or otherwise given sufficient cause for concern.

Members discussed the referral as appropriate.

(i) DSS - Existing Driver

The Sub-Committee agreed to defer consideration of the case at the 12 February 2019 meeting to allow the driver an additional opportunity to attend and make representations. The vehicle owner, SDJL, was dealt with separately at that meeting.

The driver was again not in attendance. The Sub-Committee felt that DSS had been given ample opportunity to attend and therefore decided to hear the case in his absence.

The Local Authority case concerned the driver who had presented a vehicle for a routine pit inspection not in a state of roadworthiness. According to the report, some of the serious faults identified with the vehicle would have been obvious during visual inspections which should have been performed weekly by the driver and/or vehicle licence holder as stipulated on the associated Vehicle Licence conditions.

The Sub-Committee agreed that although it was accepted that the responsibility for maintaining the vehicle ultimately rested with the proprietor, the driver of the vehicle was responsible for ensuring as much as was practicably possible, that the vehicle used to carry the fare paying public was to the best of their knowledge in good working order.

Resolved:

To revoke the Hackney Carriage Driver's Licence on the grounds that DSS fell short of the standards expected of a licensed driver.

Background papers: exempt

8 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES

The Sub-Committee was informed of two licence holders who had been convicted of offences or otherwise given sufficient cause for concern.

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Members discussed the referrals as appropriate.

(i) PE – Existing Licence Holder

Mr Ratcliffe informed the Sub-Committee that at the time of a scheduled pit test by qualified mechanics at the Central Vehicle Maintenance Unit at Layton Depot, the licence holder had presented a vehicle with two tyres that displayed wear below the legal tread limit. Mr Ian Taylor, Public Protection Officer and Mr Kevin Ronson, Central Vehicle Maintenance Unit, were in attendance and attested to the poor state of the vehicles tyres.

PE was in attendance and suggested that in relation to the maintenance issues with his vehicle, it had only been based on the opinion of the mechanic who had identified the faults. He claimed to have operated as a driver and licence holder for many years without incident or having been before the Sub-Committee before for any reason. He added that he had had to deal with some difficult personal circumstances recently and this had likely impacted on his judgement in relation to the vehicles condition. PE indicated that he would expect routine use of tyre tread depth gauges by Council officers involved with the inspection of licensed vehicles.

The Sub-Committee considered the licence holder's explanation for the poor state of the vehicle tyres as presented for inspection. Despite no previous concerns with the licence holder and consideration of his personal circumstances, Members agreed that to operate a vehicle with such obvious and serious defects was unacceptable. PE's apparent lack of regular, diligent vehicle checks and scheduled maintenance further compounded the situation.

Resolved:

1. To issue the licence holder with a Severe Warning Letter in relation to future conduct indicating that if he were brought before the Sub-Committee again, then suspension or revocation of the licence would be the likely outcome.

2. To impose the following conditions on the Hackney Carriage 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 daily written vehicle handover check to be carried out by the outgoing driver and records to be legible and retained.*

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(ii) G.K – Existing Licence Holder

The licence holder was in attendance with one of the licensed drivers who drove vehicles that she owned. Both made representations to the Sub-Committee.

In response to the authority's case presented by Mr Ratcliffe which concerned the vehicle in question having been presented for a routine vehicle inspection whereupon a number of serious faults had been identified, GK suggested that the vehicle had since been replaced and that vehicle had passed a subsequent pit test. She added that in her opinion, she had been a responsible licence holder for over 20 years along with her husband. She expressed regret for the state of the vehicle as presented and suggested she had been severely let down by her mechanic on this occasion. GK claimed to lack any detailed mechanical knowledge and admitted she often relied on drivers and/or mechanics to ensure her vehicles were in good working order.

The Sub-Committee suggested that the licence holder should take a more active role in vehicle maintenance and accepted that it was likely she had been let down by her mechanic. Also, Members considered the long history of compliance with no previous appearances before them when reaching their decision.

Resolved:

To issue a Warning Letter to the licence holder indicating that if she was brought before the Sub-Committee again in the future for any reason, then suspension or revocation of the Licence would be the likely outcome.

Background papers: exempt.

9 ALLOCATION OF STREET COLLECTION PERMITS 2019/2020

The Sub-Committee considered the allocation of street collections for 2019-2020 and the applications received both from the approved Council list and other applications.

The Sub-Committee considered the submitted application forms, the report of the Head of Licensing Service and the Council's policy on Street Collections. It was noted that consultation had been undertaken with the BID team or Visit Blackpool depending on where the collection was due to take place.

Resolved:

1. To authorise the grant of a permit under the street collection regulations to cover the public collections made via collection booths during the period of the illuminations and to permit the sale to the public of a brochure on the evening of the Switch-on of the 2019 illuminations.
2. To approve street collection permits for the following organisations from the approved list within the forthcoming 12 month period:
 - Royal British Legion Poppy Appeal 2019

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3. To approve the following individual applications for street collections in the following year:

- **Brian House Children's Hospice** – Application for annual Bubble Rush Event Saturday 6 April 2019, Lawson's Showground, Stanley Park, five Collectors 10am-2pm.
- **Whittaker Dance and Drama for Marie Curie, Saturday 6 April 2019**, St John's Sq. 10am – 3.30pm.
- **Streetlife Trust** – Annual sleep out St John's Square 26-28 April 2019, 8pm-6am, all day Saturday.
- **Trinity Hospice** –Beaverbrooks 10k fun run event, Promenade, Sunday 12 May 2019 10am-2pm.
- **RSPCA Blackpool and North Lancs**, Saturday 18 May 2019 - 10am-5pm.
- **Blue Skies Hospital Fund** – Local organisation application for Sunday 19 May 2019 12-4pm, event in Stanley Park.
- **Unity Music Arts Trust**- Jazz Festival in St Johns Square on Saturday 25 May 2019 and Sat-Sun 27-28 July 2019.
- **Brett Bradford (Blackpool Souls in Motion 2019) – Trinity Hospice/Children with Cancer UK**-Sunday 26 May 2019 10am-10pm, annual event.
- **Salvation Army (Band)** – Application to collect on Saturday 6 July 2019, Saturdays 7,14,21 December 2019 all 9am-12pm, and Christmas Day 2019 10.30am-12pm.
- **Royal National LifeBoat Institute** – Two applications – Sunday 28 July 2019 9am-5pm, locality of the Lifeboat Station and Sunday 25 August 2019 1pm-4pm, annual Boat Pull event.
- **Bowland Pennine Mountain Rescue Team** – Saturday 10 August 2019, Town Centre 9am-4pm. First application.
- **Alzheimers Society** – Sunday 15 Sept 2019, 9am-4 30pm Comedy Carpet.
- **BETEL of Britain** – 1-6 December 2019, 10am-6pm
- **Jim Allan** – An individual collecting on behalf of both **Diabetes Uk** and **The Royal British Legion**. 18 days across nine Friday/ Saturday events.

4. To delegate to the Head of Licensing Services authority to issue further suitable applicants with permits.

10 DATE OF NEXT MEETING

The Sub-Committee noted the date of the next meeting as 9 April 2019, to be held in the Council Chamber.

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Chairman

(The meeting ended at 7.55 pm)

Any queries regarding these minutes, please contact:
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