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Blackpool Council

4 June 2019

To: Councillors Mrs Callow JP, Collett, Critchley, Farrell, Hunter, Hutton, D Scott, R Scott and Wilshaw

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 12 June 2019 at 10.00 am
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 APPOINTMENT OF CHAIRMAN

To consider the appointment of a Chairman of the Sub-Committee for Municipal Year 2019/2020.

2 APPOINTMENT OF VICE-CHAIRMAN

To consider the appointment of a Vice-Chairman of the Sub-Committee for the Municipal Year 2019/2020.

3 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.

4 MINUTES OF THE LAST MEETING HELD ON 23 APRIL 2019 (Pages 1 - 6)

To agree the minutes of the last meeting held on 23 April 2019 as a true and correct record.

* **5 DONKEY DRIVER'S LICENCE** (Pages 7 - 12)

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

* **6 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES** (Pages 13 - 34)

(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)

* **7 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES** (Pages 35 - 94)

(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)

8 DATE OF NEXT MEETING

To note the date of the next scheduled meeting as 23 July 2019 and to consider the future start time of meetings.

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.

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Present:

Councillor Hutton (in the Chair)

Councillors

Critchley
Hobson

Owen
Robertson BEM

Mrs Scott

In Attendance:

Mrs Sharon Davies, Principal 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 9 APRIL 2019

The Sub-Committee considered the minutes of the last meeting held on 9 April 2019.

Resolved:

That the minutes of the meeting held on 9 April 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 8 and 9 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 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, Ms Price, 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 the carriage 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 Ms Price, subject to a satisfactory outcome of an inspection by the Council's Carriage Inspector.

5 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 which contained a number of changes following suggestions by the Sub-Committee at the 26 March 2019 meeting. Additional detail now incorporated into the document had clarified fare charging, routes to be undertaken and it was hoped that both fare paying passengers and licensed drivers would be able to easily understand the principles of the scheme. Members' previous concerns about the potential for overcharging customers, refusal of fares and safeguarding issues had therefore been addressed in the revised proposal and The Sub-Committee agreed the scheme could be viable and benefit customers and licensed drivers and saw no reason not to allow the scheme to go out for a period of consultation.

Resolved:

1. To approve the variation proposals submitted by Blackpool Licensed Taxi Operator Association (BLTOA).
2. To request the Trading Standards and Licensing Manager to arrange publication of the proposed variation in the Gazette, allowing 28 days for representations to be made about the scheme and to consult the Police and Passenger Transport Authority as outlined in the report.
3. Subject to no representations being received to the consultation outlined in the report, to authorise the Trading Standards and Licensing Manager to implement the variation to the Blackpool Borough Council (Taxi hire at Separate Fares) Scheme 1990 (as amended).
4. That if approved, a list containing the names of all drivers subscribing to the scheme and the registration details of their vehicles be submitted to the Licensing Service as soon as practicably possible.

6 PRIVATE HIRE OPERATOR'S APPLICATION

The Sub-Committee considered an application for a Private Hire Operators licence submitted by Vooma in the name of Vovoma Ltd.

The Director of the company, Mr Lee James Millward, was in attendance and made representations to the Sub-Committee. He explained that the application was for a mobile phone application (app) based operation which differed from the traditional way in which an operator would take bookings and instead the app would electronically request drivers and vehicles and assign them bookings. Mr Millward added that administration would be handled at the company's registered office located on Church Street which would be used until such time that the business grew in size and employed more staff.

In response to concerns that the Director of the company would be largely running the business on his own, Mr Millward explained that the app made the operational side of the business largely automated and whilst he intended to expand and recruit more staff, the business was effectively a start-up operation in its current form. The Director as a representative of the company sought to further reassure Members that the company intended to operate solely within the boundaries of the Borough and intended to expand the business gradually to minimise any potential impact on Vooma's ability to operate efficiently. When asked about customer service, Members were informed that complaints handling would be either through the Vooma app or via telephone.

The Sub-Committee considered the representations made by the applicant and whilst concerns about the ability of the individual to cope with demand were noted, Members were largely reassured with the responses provided to their questions and believed that the type of operation proposed would likely become more widespread in the near future.

Resolved:

To grant the Private Hire Operator's Licence for Vooma.

7 ANIMAL ACTIVITIES LICENCE - DOG BREEDING

The Sub-Committee considered an application for an Animal Activities Licence for Dog Breeding. The applicant, Ms Stock and her partner were in attendance and provided a summary of the application to Members. Within the report, details of an inspection carried out at the premises at 8 St Martin's Road, Blackpool by Andrew Mellor of Andrew Mellor Veterinary Practice identified a number of areas of concern specifically related to the exterior of the premises which at that time failed to meet the minimum standards outlined in the relevant legislation.

Ms Stock advised that since the inspection, a checklist had been compiled of improvement works designed to address the findings of the inspection and she added that all works had now been completed as per the Inspector's instructions. The applicant suggested that she fully expected the premises to be deemed suitable for the purposes of dog breeding when re-inspected at a future date.

Mr Ratcliffe, Licensing Officer echoed the applicant's sentiments and added that he would contact Mr Mellor regarding the status of remedial works. He reminded Members that they should assess the application on the grounds of animal welfare considerations only and that any other considerations such as potential noise or nuisance could not be taken into account.

The Sub-Committee were satisfied that despite failing the initial inspection, the applicants had demonstrated a commitment to improving the premises immediately in order to be fully compliant with all relevant legislation.

Resolved:

To approve the application in principal for an Animal Activities licence for Dog Breeding, subject to completion of the required improvements by the applicant and following a satisfactory re-inspection of the premises by the Council appointed Inspector.

8 DELEGATION OF APPLICATIONS FOR ANIMAL ACTIVITIES LICENCES

Members of the Sub-Committee considered the proposal outlined in the report to delegate authority to the Trading Standards and Licensing Manager to determine applications for Animal Activities Licences made in accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Mr Lee Petrak, Trading Standards and Licensing Manager, who was in attendance, explained that Delegated Authority was necessary, in his opinion, to allow the Licensing Department to deal with licences applied for under the Regulations. These Regulations came into force in October 2018 and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 allowed for a system of Licensing in relation to various activities involving animals placed in a commercial environment. Those activities, defined by the Regulations as Licensable Activities, included the following:

- Selling Animals as Pets
- Providing or arranging for the provision of boarding for cats or dogs
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition.

Therefore, the Trading Standards and Licensing Manager suggested delegated authority was necessary to enable uncontroversial applications to be processed appropriately. Those applications deemed to be controversial would still be left for the Sub-Committee to deal with.

The Sub-Committee agreed with the rationale behind the proposal and saw no reason to object.

Resolved:

To grant authority to the Trading Standards and Licensing Manager in order to approve applications for Animal Activities Licences where the report of the qualified Inspector clearly states that the premises and operator are suitable.

9 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

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

Members discussed the applications and referrals as appropriate.

(i) D.J.C (New applicant)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and outlined the relevant information on behalf of the Authority.

The applicant was in attendance and made representations to the Sub-Committee. He explained that the incident outlined in the report which had resulted in him receiving a Police Caution for Common Assault had been the result of a family dispute involving his

father and whilst both men were intoxicated with alcohol.

Members expressed concerns about the recency of the offence and saw no reason to depart from the Policy on this occasion.

Resolved:

To refuse the application for a Private Hire Vehicle Driver's Licence on the grounds that the applicant was not a fit and proper person to hold such a licence.

(ii) T.S (Existing Hackney Carriage)

Mr Ratcliffe presented the case on behalf of the authority. Several witnesses named in the report as complainants, were in attendance and made representations in addition to the content of the report. They separately claimed to have witnessed the licence holder refuse fares on two separate occasions either for being unwilling to carry a disabled passenger or for refusing to undertake a journey of relatively short distance.

TS was in attendance and provided detailed accounts of the events and explanations of his actions. He claimed he had been the victim of discrimination from fellow drivers and that he was also medically exempt from carrying wheelchair passengers. With regard to the latter claim, the licence holder produced a doctor's note which he suggested exempted him from the carriage of wheelchair users. The Licensing Service advised that this was insufficient and that such an exemption was required to be authorised by the Local Authority and not just by a GP. TS further alleged that one of the complainants, one of the complainants appeared to have a vendetta against him and they had previously had a turbulent relationship.

The Sub-Committee reasoned that perhaps the licence holder had been treated unfairly by fellow drivers and potentially there were grounds for the Authority exempting him from providing carriage to disabled passengers. However, TS had failed to get the proper authorisation to refuse fares from disabled passengers. Furthermore, the Sub-Committee expressed concerns that TS had perhaps refused the two fares detailed in the report on the basis that they were short distance fares and therefore not especially lucrative which suggested that perhaps the licence holder was being selective about which fares he took. Inconsistencies between the various accounts provided by the licence holder were also noted by Members.

Resolved: To issue the Hackney Carriage Driver with a Severe Warning Letter in relation to his conduct including the refusal of fares indicating that if he were brought before the Sub-Committee again for any reason, suspension or revocation of the licence would be the likely outcome.

(iii) A.L.D (Existing Hackney Carriage)

Resolved: Due to the extended duration of the meeting, the Sub-Committee, with the consent of the licence holder, agreed to defer consideration of the case until the next meeting on 12 June 2019.

10 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES

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

(i) P.M.H (Existing licence holder)

Resolved: Due to the extended duration of the meeting, the Sub-Committee, with the consent of the licence holder, agreed to defer consideration of the case until the next meeting on 12 June 2019.

(ii) J.J.S (Existing licence holder)

Resolved: Due to the extended duration of the meeting, the Sub-Committee, with the consent of the licence holder, agreed to defer consideration of the case until the next meeting on 12 June 2019.

(iii) R.J.E (Existing licence holder)

Resolved: Due to the extended duration of the meeting, the Sub-Committee, with the consent of the licence holder, agreed to defer consideration of the case until the next meeting on 12 June 2019.

(iv) D.W.M (Existing licence holder)

Resolved: Due to the extended duration of the meeting, the Sub-Committee, with the consent of the licence holder, agreed to defer consideration of the case until the next meeting on 12 June 2019.

Background papers: exempt

11 DATE OF NEXT MEETING

The Sub-Committee noted the date of the next meeting as 12 June 2019, to be held in Committee Room A, Town Hall, Blackpool.

Chairman

(The meeting ended at 9.05 pm)

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

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

DONKEY DRIVER'S 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 suitable applicants are licensed.

3.2 Licensed drivers are responsible for the wellbeing of the animals entrusted to them under the terms of the licence

3.3a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

3.4 None, as the Sub-Committee is required to determine the application.

4.0 Council Priority:

4.1 The relevant Council Priority is "Safeguard and protect the most vulnerable"

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 Donkey driver's licence, in respect of the following case:

L.A.E (New applicant)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 5(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

Appendix 5(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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	12 June 2019

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S 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:

- 3.4 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 a Hackney Carriage and/or Private Hire Vehicle driver's licence, in respect of the following cases:

G.J.R (New), S.B (New), S.R.P (New), S.B.S (Existing), A.L.D (Existing)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 6(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 List of Appendices:

Appendix 6(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 June 2019

HACKNEY CARRIAGE DRIVER AND 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:

3.4 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.M.H (Existing licence holder), J.J.S (Existing licence holder), R.J.E (Existing licence holder), D.W.M (Existing licence holder)

5.2 Matters causing concern and any supporting documents are attached at Appendix 7(a)

5.3 Does the information submitted include any exempt information? Yes

5.4 List of Appendices:

Appendix 7(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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