

Blackpool Council

30 November 2020

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

Tuesday, 8 December 2020 at 6.00 pm
Via Zoom Meeting

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

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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 3 NOVEMBER 2020 (Pages 1 - 4)

To agree the minutes of the last meeting held on 3 November 2020 as a true and correct record.

3 DELEGATION UNDER SECTION 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (Pages 5 - 8)

To consider the delegation of powers to the Trading Standards and Licensing Manager under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

*** 4 PRIVATE HIRE DRIVERS LICENCE** (Pages 9 - 16)

To consider licence holders who have been convicted of offences or who have otherwise given reasons for concern.

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

*** 5 HACKNEY CARRIAGE VEHICLE LICENCE** (Pages 17 - 24)

To consider licence holders who have been convicted of offences or who have otherwise given reasons for concern.

(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)

*** 6 SCRAP METAL DEALERS LICENCE** (Pages 25 - 28)

To consider an applicant who have been convicted of relevant offences or who have otherwise given reasons for concern.

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

7 DATE OF THE NEXT MEETING

To note the date of the next meeting as 19 January 2021.

Other information:

For queries regarding this agenda please contact John Greenbank, Senior Democratic Governance Adviser, Tel: (01253) 477229, e-mail john.greenbank@blackpool.gov.uk

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MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 3 NOVEMBER 2020

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP
Collett

Critchley
Farrell

Hunter
D Scott

R Scott
Wilshaw

In Attendance:

Sharon Davies, Solicitor

Lee Petrak, Trading Standards and Licensing Manager

John Greenbank, Democratic Governance Senior Adviser (Scrutiny)

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 6 OCTOBER 2020

Resolved: That the minutes of the meeting held on 6 October 2020 be approved and signed by the Chairman as a correct record.

3 MINUTES OF THE SPECIAL MEETING HELD ON 20 OCTOBER 2020

Resolved: That the minutes of the special meeting held on 20 October 2020 be approved and signed by the Chairman as a correct record.

4 STREET COLLECTIONS PERMITS

The Sub-Committee considered permits granted in December 2019 and whether further street collection permits should be issued in view of the Covid-19 restrictions in force in the area.

It was also noted that since the meeting's agenda had been published the government had introduced a nationwide lockdown to run between 5 November 2020 and 2 December 2020. During this time it was recognised that during this period no street collections would be allowed.

Mr Lee Petrak, Trading Standards and Licensing Manager, outlined that as Blackpool had been placed in the highest Tier 3 level of Covid-19 restrictions it was being recommended that the Sub-Committee suspend the issuing of street collection permits. It was added that this would be kept under review in the event that guidance and restrictions changed.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 3 NOVEMBER 2020

The Sub-Committee was also asked to suspend the existing permits issued in December 2019 for BETEL and the Salvation Army. Mr Petrak explained that both of these charities conduct street collections that involved encouraging people to gather in public, with activities such as playing music on the street. Although the Council did not wish to discourage people donating to charity, it was considered that such activity would be incompatible with Covid-19 restrictions, which sought to reduce public gathering where social distancing was not possible. It was also noted the Royal British Legion which also undertook street collections would not have its permit suspended as its collection activities were not considered to be incompatible with the restrictions.

Members of the Sub-Committee considered that although the traditional street collections involving festive music could be positive for public morale over the Christmas period, there was a need during the Covid-19 pandemic to ensure public safety. Therefore it was agreed that further issuing of street collection permits be suspended along with those already issued for BETEL and the Salvation Army.

Resolved: That:

1. The issuing of Street Collection permits while Blackpool remains under Covid-19 restrictions be suspended; and
2. That the Trading Standards and Licensing Manager be authorised to revoke permits issued to BETEL and Salvation Army if Blackpool remains in Tier 3 and they are satisfied that requirements under the Covid-19 restrictions cannot be met.

5 DELEGATION OF POWERS - GRANT/REFUSAL OF HORSE DRAWN HACKNEY CARRIAGE LICENCES OF A NON-TRADITIONAL STYLE

The Sub-Committee considered amending the existing delegation which permits the Trading Standards and Licensing Manager to grant a Horse Drawn Hackney Carriage that is of a non-traditional style.

Mr Lee Petrak, Trading Standards and Licensing Manager, informed Members that the existing delegation required that any Horse Drawn Hackney Carriage that was of a non-traditional style be referred to the Sub-Committee for approval. This had been done when there was a low number of non-traditional style carriages, some of which had been of poor quality. However in recent years there had been a significant increase in the number of non-traditional style carriage and an improvement in their quality. It therefore considered that approval of such carriage no longer required approval by the Sub-Committee and could be delegated to the Trading Standards and Licensing Manager.

The Sub-Committee agreed that due to the large number of non-traditional style carriages currently in use that it was appropriate to amend the delegation.

Resolved: That the Sub-Committee approve the amendment to the delegation to permit the Trading Standards and Licensing Manager to grant Horse Drawn Hackney Carriages in a non-traditional style.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 3 NOVEMBER
2020**

6 DATE OF THE NEXT MEETING

The date of the next meeting be confirmed as 8 December 2020.

Chairman

(The meeting ended 6.25pm)

Any queries regarding these minutes, please contact:
John Greenbank Senior Democratic Governance Adviser
Tel: (01253) 477229
E-mail: john.greenbank@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	8 December 2020

DELEGATION UNDER SECTION 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1.0 Purpose of the report:

- 1.1 To consider the delegation of powers to the Trading Standards and Licensing Manager under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act). This Section relates to the powers to suspend and revoke a driver's Licence.

2.0 Recommendation(s):

- 2.1 That the Trading Standards and Licensing Manager be authorised to suspend driver Hackney Carriage or Private Hire driver Licences in the circumstances set out in this report.

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:

1. Make the proposal subject to amendments before their approval
2. Determine that all decisions to suspend hackney carriage or private hire driver licences remain the responsibility of the Public Protection Sub-Committee.

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 Members will be aware that under the provisions of section 61 of the Act the Council has the power – in certain circumstances – to suspend or revoke drivers’ (hackney carriage and private hire) licences.
- 5.2 The relevant parts of sub section 1 of section 61 state:
“(1).... a district council may suspend or revoke or refuse to renew the Licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—
(a)that he has since the grant of the Licence—
 (i) been convicted of an offence involving dishonesty, indecency or violence; or
 (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
(aa) that he has since the grant of the Licence been convicted of an immigration offence or required to pay an immigration penalty; or
(b) any other reasonable cause.”
- 5.3 When a council suspends or revokes or refuses to renew a Licence then they have to give the driver notice of the reason for the decision. Ordinarily a suspension or revocation takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If there are public safety concerns then a council may choose to suspend or revoke with immediate effect. Any driver aggrieved by a decision of a district council may appeal to a magistrates’ court.
- 5.4 The usual scenario where the section 61 power would be used is when dealing with matters that call into question the fitness and propriety of a driver and the facts have been examined by a committee who take steps to suspend or revoke the Licence. It is clearly entirely appropriate that members should make these decisions. There is no proposed change to these procedures.
- 5.5 However there are administrative issues that arise from time to time that could impact on the safety of the travelling public especially if the Council is deficient of documentary proof to show the driver is” Fit and Proper”. Examples include:
- *DBS (Disclosure and Barring Service) checks* - On occasions a DBS may be due

for renewal but the Licence may have a period of time to run before it expires i.e. Licence expires 1st July 2021 but the DBS expires 1st July 2020. In such circumstances the driver would be lawfully entitled to drive until the expiry of his licence. In such circumstances the Council would want to suspend the licence until an up to date DBS check was produced. Advance notification is given by the department to drivers to produce the documentation, so a suspension in this case will only follow a formal request that has possibly been ignored or not acted on.

- *Medicals*- Similar circumstance may arise where a medical expires but the licence is still valid, the department would seek to make advance requests for the document but again suspensions where medicals have expired may on occasions be necessary.

5.6 The Licensing Service spends a large amount of officer time on the administration processes involved in keeping Licence Holders up to date with DBS and Medical checks. This includes phone calls, emails and letters to Licence Holders in an effort to ensure they meet the criteria of maintaining their Licences. The Licensing Service propose to introduce a model of working as laid out in paragraph 5.5. In the circumstances explained above (para 5.5) the Trading Standards and Licensing Manager would be able to suspend licences by the Sub-Committee expressly granting the power to suspend in these circumstances. The suspensions if carried out would need to be done in writing setting out the reasons for the suspension and for the action to have any meaningful impact the suspension would need to take immediate effect - again an explanation of the reasons for the immediacy of the action would be required.

5.7 The examples above are not exhaustive but Members are asked to consider the proposal of formally delegating powers to the Licensing Manager to suspend a driver's Licence when administrative requirements have not been fulfilled. This power will not extend to matters which relate to general conduct or behaviour and will be confined to administrative matters only.

5.8 Does the information submitted include any exempt information? No

List of Appendices:

None

6.0 Legal considerations:

6.1 Local Government (Miscellaneous Provisions Act) 1976

6.2 Representative of Head of Legal Services will be present at the meeting to advise the Sub-Committee.

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

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	8 December 2020

PRIVATE HIRE DRIVER LICENCES

1.0 Purpose of the report:

- 1.1 To consider 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 application 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 application 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 licence holders are fit

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

P.A.S (Existing), L.M (Existing)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(a) and Appendix 4(b).

5.3 Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 4(a) - PAS Details of cases (not for publication)

Appendix 4(b) - LM Details of cases (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant 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	8 December 2020

HACKNEY CARRIAGE VEHICLE LICENCE

1.0 Purpose of the report:

- 1.1 To consider whether or not the licence holder is a fit and proper person to hold a Hackney Carriage vehicle licence.

2.0 Recommendation(s):

- 2.1 The Sub-Committee will be requested to determine the referral 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 holder is a fit and proper person to hold a Hackney Carriage vehicle licence, in respect of the following case:

J.T.M (Existing)

- 5.2 Matters causing concern and any supporting documents are attached at Appendix 5(a)

- 5.3 Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 5(a) – JTM 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	8 December 2020

SCRAP METAL DEALERS LICENCE

1.0 Purpose of the report:

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

2.0 Recommendation(s):

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

3.0 Reasons for recommendation(s):

- 3.1 Licensed holders can be responsible for the collection, transport and disposal of scrap metal. It is important for the protection of the public that only suitable persons are licensed.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? Yes

- 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 and referrals

4.0 Council Priority:

- 4.1 The relevant Council Priority is "Create safer communities and reduce crime and anti-social behaviour"

5.0 Background Information

- 5.1 The Sub-Committee is asked to determine whether or not the applicant are suitable persons to hold scrap metal dealers licences , in respect of the following cases:

J.G (New)

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

List of Appendices:

Appendix 6(a) - JG Details of cases (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant and licence holders are suitable persons to be licensed.

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