

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 NOVEMBER
2018**

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Humphreys	D Scott
Hobson	Owen	Mrs Scott

In Attendance:

Mr Lennox Beattie, Executive and Regulatory Support Manager
Mrs Sharon Davies, Head of Licensing Service
Mrs Michelle Wilson, Head of Building Control

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 2 OCTOBER 2018

The Sub-Committee considered the minutes of the last meeting held on 2 October 2018.

Resolved:

That the minutes of the meeting held on 2 October 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 Agenda 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 SAFETY OF SPORTS GROUND - BLACKPOOL FOOTBALL CLUB

The Sub-Committee considered a revised safety certificate in respect of Blackpool Football Club. Mrs Michelle Wilson, Head of Building Control was in attendance and presented the revised safety certificate to the Sub-Committee. Mrs Wilson explained that while there had no alteration to capacity numbers revisions to statutory guidance required the certificate now to include conditions relating to counter-terrorism, crowd disorder and anti-social behaviour. These were areas that now had to be addressed within the certificate with the aim of reflecting similar practice across similar stadiums across the country.

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Resolved:

To approve the General Safety Certificate for Blackpool Football Club as attached at Appendix 3(a) to the agenda with effect from 12 November 2018.

5 SCRAP METAL DEALER LICENCES

The Sub-Committee considered two applicants for Scrap Metal Dealer Licences who have been convicted of relevant offences or who have otherwise given reasons for concern in respect of the following cases:

G.D (New applicant)

Mr Ryan Ratcliffe, Licensing Officer was in attendance and outlined the relevant information. Mr Ratcliffe highlighted the serious concerns over G.D's suitability given the fact he has been refused a licence by another authority (Oldham MBC) within the last six months following an objection from the Police.

The Sub-Committee agreed to consider the application in G.D's absence on the grounds that the applicant had been notified and not given a reason for absence.

The Sub-Committee considered the evidence and expressed concern as to the reason behind the refusal of a licence in Oldham including offences related to dishonesty and suspicion that he had operated as a Scrap Metal Dealer while his had lapsed. There had been no suitable explanation given either in Blackpool or Oldham.

Resolved:

That the application for a Scrap Metal Dealer in respect of G.D. be refused as he is not a fit and proper person to hold such a licence.

P.S (New Applicant)

Mr Ryan Ratcliffe, Licensing Officer was in attendance and outlined the relevant information. Mr Ratcliffe highlighted the serious concerns over P.S's suitability given the fact he had been convicted of relevant offences under the Environmental Protection Act 1990.

The Sub-Committee agreed to consider the application in P.S's absence on the grounds that the applicant had been notified and not given a reason for absence.

The Sub-Committee considered the evidence and expressed concern as to P.S's convictions for offences involving the illegal handling of waste. It concluded that in the absence of suitable explanation or mitigation such convictions meant that P.S. was not a suitable person to hold such a licence.

Resolved:

That the application for a Scrap Metal Dealer in respect of P.S. be refused as he is not a fit

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and proper person to hold such a licence.

6 PRIVATE HIRE DRIVER'S LICENCES

The Sub-Committee was informed of three applicants who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the applications as appropriate.

S.W (New applicant)

Mr R Ratcliffe, Licensing Officer was in attendance and outlined the relevant information. Mr Ratcliffe highlighted that S.W. notwithstanding a previous good record when previously licensed had subsequently been banned from driving for an accumulation of offences.

S.W was in attendance and made representations to the Sub-Committee. He explained that he had previously never had any issues with his driving and that the incidents were all as a result of starting a new job. He expressed regret for his conduct but highlighted that the timeline of the offences had meant that he had been unable to moderate his driving behaviour prior to reaching twelve points. He emphasised that the courts had also heard this mitigation and imposed a very short ban as a result.

The Sub-Committee considered carefully the evidence submitted. While it took very seriously the offences it also balanced that with S.W's previous good character and felt that the number of offences had been out of character. It therefore considered that the application should be granted

Resolved:

That the application be dealt by the issuing of a severe warning letter as to future conduct advising that if the applicant was brought before the Sub-Committee again in the future, suspension or revocation could result.

D.A.M (New applicant)

Mr R Ratcliffe, Licensing Officer was in attendance and outlined the relevant information. Mr Ratcliffe highlighted that a number of historical offences of a violent nature had been disclosed and that the Council's Hackney Carriage and Private Hire Licensing Policy outlined that applicants with two or more convictions in the past 10 years for violent offences should normally be refused.

D.A.M. was in attendance and made representations to the Sub-Committee. He explained that the incidents were a long time ago and relatively minor in nature. He expressed regret but emphasised that he had not had any convictions since and was now a responsible family man. He further explained that he had not declared all the convictions as he had been confused as to the status of the conviction.

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The Sub-Committee considered carefully the evidence submitted. It considered the offences serious but balanced this with the time elapsed since the convictions and D.A.M's conduct since that conviction. Given that D.A.M had clearly attempted to disclose all convictions the Sub-Committee agreed that it would not be proportionate to prosecute for a failure to disclose all the convictions.

Resolved:

1. That the application be dealt by the issuing of a severe warning letter as to future conduct advising that if the applicant was brought before the Sub-Committee again in the future, suspension or revocation could result.
2. Not to prosecute for failure to disclose relevant convictions.

B.S.P (New applicant)

Mr R Ratcliffe, Licensing Officer was in attendance and outlined the relevant information. Mr Ratcliffe highlighted that a number of historical offences of a very serious nature had been disclosed and that B.S.P's previous conduct as a licence holder had resulted in the eventual revocation of his licence. Mr Ratcliffe reminded members and that the Council's Hackney Carriage and Private Hire Licensing Policy outlined that applicants with such a serious driving offence should normally be refused.

B.S.P. was in attendance and made representations to the Sub-Committee. He apologised for his previous conduct and expressed remorse as to the effect of his previous actions. He explained that he considered that he had mellowed

The Sub-Committee considered that B.S.P's very serious driving offence combined with his previous unacceptably poor behaviour while a licensed driver which had eventually resulted in the revocation of that licence meant that he remained not a fit and proper person to hold such a licence on the ground of both his serious convictions and his past record.

Resolved:

That the application for a licence be refused

7 USE OF DELEGATION OF POWERS - SUSPENSION AND REVOCATION OF PRIVATE HIRE DRIVER'S LICENCES

Following the Sub-Committee's decision on 15 August 2017 to allow an amendment to the existing delegation of powers to permit the Head of Licensing following consultation with the Chairman/Vice-Chairman to take action where serious concerns were raised regarding the fitness of a driver to hold a Hackney Carriage or Private Hire Driver's Licence, members were advised of two cases where the use of such powers was used. The Public Protection Sub-Committee on the 2 September 2018 and the 16 October 2018 namely:

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S.J.C (Existing Private Hire Licence holder)

Reason for revocation: Driver has been disqualified from driving with immediate effect for drink-driving by the Driver and Vehicle Licensing Agency (DVLA).

S.L.B (Existing Private Hire Licence holder)

Reason for revocation: Driver has been disqualified from driving with immediate effect under the totting up procedure by the Driver and Vehicle Licensing Agency (DVLA).

Resolved:

To note the update report on the use of delegated powers.

8 DATE OF NEXT MEETING

To note the date of the next meeting as 4 December 2018.

Chairman

(The meeting ended at 7.00 pm)

Any queries regarding these minutes, please contact:
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