

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 FEBRUARY
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 15 JANUARY 2019

The Sub-Committee considered the minutes of the last meeting held on 15 January 2019.

Resolved:

That the minutes of the meeting held on 15 January 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 Agenda items 3 and 4 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 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.

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(i)AWB – Existing Driver

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and presented the case on behalf of the Authority. Members of the Sub-Committee were informed that the driver had been involved in a domestic incident that had led to his Police caution for a violent offence.

AWB was in attendance and made representations to the Sub-Committee. He expressed regret and embarrassment in relation to the incident and his actions. He suggested it had been both an isolated incident and a private matter which had not impacted on his ability to carry out his duties as a licensed driver and added that he felt his response at the time had been proportionate in the face of provocation. He claimed that he had been a driver for over 30 years and in that time had not received any complaints about his conduct or been involved in any violent incidents.

The Sub-Committee reasoned that the incident did offer cause for concern, but given that the driver had no history of violence and some of the mitigating circumstances described, members were inclined to take less severe action against the driver

Resolved: That the Private Hire driver be issued with a warning letter in relation to future conduct indicating that if he was brought before the Sub-Committee again for any reason, then suspension or revocation of the licence would be the likely outcome.

(ii) KBJ - Existing Driver

KBJ was in attendance and listened whilst Mr Ratcliffe presented the Authority's case which described an event with the help of video evidence whereby the driver had verbally abused a Civil Enforcement Officer, whilst he went about his duties.

The Civil Enforcement Officer was in attendance and advised that at the time of the incident, he had felt intimidated and threatened by KBJ who took exception to being issued a Parking Charge Notice and who upon moving his vehicle, proceeded to return to again confront the officer a second time.

KBJ was apologetic and remorseful for his part in the incident and explained he had been visiting a shop and had inadvertently parked on a bus stop for a short period of time. He added that he had not intended to intimidate the officer and acted recklessly and on impulse.

The Sub-Committee were mindful of the driver's full and frank apology. However, Members were convinced that such abuse of an officer carrying out their duty was wholly unacceptable and action should be taken to deter licensed drivers from similar behaviour in the future.

Resolved: To revoke the Hackney Carriage Driver's Licence on the grounds that the driver was no longer a fit and proper person to hold such a licence.

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(iii) DSS - Existing Driver

The driver was not in attendance though the Vehicle Licence holder and owner, SDJL, was in attendance and was dealt with separately at Item 4 on the agenda.

Resolved: To defer consideration of the case until the next meeting on 26 March 2019 to allow the driver an additional opportunity to attend and make representations.

(iv) RDC – New Applicant

The Sub-Committee was informed that the applicant had a number of convictions for criminal offences, some of which had involved violence, dishonesty and drugs. Though it was noted that the applicant had been forthcoming and truthful in declaring all of his previous convictions.

The applicant suggested that many of the offences had been committed during his youth and before he had relocated to Blackpool. He expressed regret for his actions and added that his circumstances had changed significantly in terms of a long term relationship with his partner and the arrival of their first child. He produced four separate character references which had portrayed the applicant as a trustworthy individual.

Members accepted that perhaps the applicant had made some positive improvements in his life and had seemed genuinely remorseful. However, given the number and nature of the convictions discussed, The Sub-Committee were not convinced of the applicant's suitability and how he would react if provoked during the course of performing the duties of a licensed driver.

Resolved: To refuse the Private Hire and Hackney Carriage Vehicle Driver Application on the grounds that the applicant was not a suitable person to hold such a licence.

(v) CRN – New Applicant

Mr Ratcliffe reported that the applicant had a number of motoring offences and related penalty points still active on his private driver's licence, one of which was for an insurance related offence.

The applicant sought to reassure the Sub-Committee by informing them that the insurance related offence was a result of a misunderstanding between himself and his employer over whether his vehicle required a business use motor insurance policy. He claimed the vehicle had been insured for domestic purposes and suggested he was unaware that additional cover was required and added that his employer also had not realised this.

The Sub-Committee reasoned that despite the nature of the offences, particularly in relation to inadequate insurance cover, they accepted that perhaps the applicant had made an honest mistake and agreed he ought to be more careful with similar matters in the future.

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Resolved: To grant the Private Hire Vehicle Driver's Licence with the addition of a severe warning letter in relation to future conduct indicating that if he was brought before the Sub-Committee again for any reason, then suspension or revocation of the licence would be the likely outcome.

(vi) DSJ – New Applicant

The applicant was in attendance and reported that he a number of historical convictions for driving and dishonesty offences. He proceeded to express regret and shame for his part in those offences and claimed they happened largely in his youth at a time when he had associated with people he shouldn't have and succumbed to peer pressure. He reminded Members that he had fully disclosed the offences and explained some mitigating elements surrounding some of those offences. He demonstrated a strong work ethic and track record in a position of responsibility and had aspirations to attend university.

The Sub-Committee remained concerned about the applicant's previous convictions. However, on balance, it appeared that DSJ had made significant personal changes and deeply regretted poor decisions he had made in the past.

Resolved: To grant the Private Hire Vehicle Driver's Licence with the addition of a warning letter in relation to future conduct indicating that if he was brought before the Sub-Committee again for any reason, then suspension or revocation of the licence would be the likely outcome.

Background papers: exempt

5 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES

The Sub-Committee considered referrals for two existing Hackney Carriage Vehicle Licence holders.

(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.

PE was in attendance and suggested that in relation to the maintenance issues with his vehicle, he asserted that it had only been the opinion of the mechanic who had identified the faults. He added that he would like to see more evidence of the issues presented to the Sub-Committee.

The Sub-Committee considered the suggestion by the licence holder and agreed it would be desirable to allow the mechanic who had identified the faults to attend the next meeting to give more detailed evidence on behalf of the Authority.

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Resolved: To defer further consideration of the case until 26 March 2019, to allow additional time for the mechanic named in the report to attend or make representations.

(ii) SDJL - Existing Licence Holder

The Local Authority case concerned the vehicle licence holder who had presented a vehicle for a routine pit inspection not in a state of roadworthiness. According to the report, some of the faults identified with the vehicle should have been obvious during visual inspections of the kind stipulated to be performed weekly on conditions the licence holder already had imposed on the licence. SDJL had been before the Sub-Committee twice before for similar maintenance issues on vehicles operated by him under separate vehicle licences.

The licence holder presented hand written documentation which he claimed evidenced a regular system of maintenance carried out on the vehicle, which given its age, was also subject to the Council's Exceptional Quality Policy which required such vehicles to be held to an even stricter standard of maintenance. He claimed he had been reliant on both the vehicle driver, DSS and his garage of choice to identify and rectify faults with the vehicle. He added that in his opinion, faults related to the vehicle's tyres were at least partly attributable to a shortage of tyres over the 2018 festive period.

The Sub-Committee were unconvinced by the licence holder's explanations and seeming disregard for the standards expected of himself in relation to vehicle maintenance. Members were extremely concerned that none of the hand written notes presented as evidence of maintenance were supported by any official receipts or invoices of any kind. Furthermore, SDJL's lack of acceptance of his responsibilities as a vehicle licence holder and failure to comply with the conditions already imposed on the licence, led the Sub-Committee towards a stronger course of action to encourage future compliance. The Sub-Committee also expressed concerns with certain aspects of the Exceptional Quality Policy, namely with regard to the clarity of procedures for vehicles that failed pit tests.

Resolved:

1. To revoke the Hackney Carriage Vehicle Licence with immediate effect on the grounds that SDJL fell short of the standards expected of a vehicle licence holder.
2. Not to allow the vehicle in the case to be used as a licensed Hackney Carriage or Private Hire vehicle.
3. To issue a warning letter to the licence holder in relation to his other vehicle licences indicating that he should adhere strictly to the conditions imposed on them with regard to regular and comprehensive vehicle maintenance supported by appropriate documentation or face further action.
4. That officers be requested to review the Hackney Carriage Exceptional Quality Policy and make any amendments they deem desirable in order to improve clarity by June 2019.

Background papers: exempt

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6 DATE OF NEXT MEETING

The Sub-Committee noted the date of the next meeting as 26 March 2019.

Chairman

(The meeting ended at 7.42 pm)

Any queries regarding these minutes, please contact:
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