

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 9 APRIL 2019

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Hunter	Robertson BEM
Humphreys	Owen	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 26 MARCH 2019

The Sub-Committee considered the minutes of the last meeting held on 26 March 2019.

Resolved:

That the minutes of the meeting held on 26 March 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 4 and 5 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) S.L.W (New applicant)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and presented the case on behalf of the authority. The Sub-Committee noted that the applicant had a number of historic convictions from over 20 years ago, some for offences involving dishonesty.

SLW was in attendance and made representations to the Sub-Committee. He explained that in relation to the offences he had previously committed, that they occurred during a difficult period in his life and he had since made a number of positive changes and wished to put that period behind him.

Members considered the applicants account and reasoned that despite his frank admission, the fact remained that the offences and the failure to disclose them during the application process meant that deviating from the policy was not desirable.

Resolved:

1. To not prosecute the applicant for non-disclosure of criminal convictions on the application to be licensed.
2. 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 be licensed.

(ii) S.P.C (New applicant)

The Sub-Committee was informed by Mr Ratcliffe that the applicant had a recent conviction for dangerous driving and had only had his licence returned to him in July 2017.

SPC was in attendance and explained the circumstances surrounding the conviction, namely driving through a level crossing whilst warning lights were in effect. He expressed regret for his actions and claimed he was on his way to help a relative at the time.

The Sub-Committee considered the explanation of events and the fact that SPC had been forthcoming in declaring the nature of the offence. However, Members were unsatisfied given the risk the applicant's actions presented other road users and given the relatively short period that the applicant had his driver's licence since it had been returned to him by the Driver and Vehicle Licensing Agency (DVLA) saw no reason to deviate from the Policy.

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 be licensed.

(iii) K.A (Existing)

The Sub-Committee was informed that the licence holder had his vehicle checked by Licensing Enforcement officers as part of routine inspections. During the course of the inspection, the vehicle operated by KA was found to have a number of serious mechanical defects.

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KA explained to the Sub-Committee that he had not realised a tyre had been under the legal limit and that his side lights had required replacement bulbs. He added that he had not been issued a maintenance checklist by the vehicle owner despite the latter's claims to the contrary.

Despite the driver's apparent lack of mechanical knowledge and formal maintenance schedule with the vehicle owner and concerns about the nature of the relationship between them, the Sub-Committee were more concerned about the lack of responsibility taken by the vehicle owner and the poor level of communication between them. Members also considered that the driver had never previously given them cause for concern.

Resolved: To issue the Hackney Carriage Driver with a warning letter in relation to future conduct.

(iv) J.M.J (Existing)

Mr Ratcliffe advised that JMJ had been stopped by Licensing Enforcement officers and his vehicle had been found to have some tyres with excessive wear and degradation. Concerns about the nature of routine checks that the licence holder was responsible for were therefore called into question.

JMJ was in attendance and claimed that the vehicle owner had taken the vehicle to his regular mechanic for work prior to the inspection and he believed that the tyres should have been replaced at that time. Though he claimed there had been a wheel alignment issue that may have led to increased tyre wear, JMJ admitted that he could have done more by way of routine maintenance checks.

The Sub-Committee expressed concerns that, given JMJ's previously exemplary record as a licensed driver, he should have been able to recognise many of the faults identified during the course of routine checks and maintenance of the type expected to be carried out by all licensed drivers on their vehicles. Members were not convinced and suggested that communication between the driver and owner of the vehicle had been poor.

Resolved: To issue the Hackney Carriage Driver with a warning letter in relation to future conduct.

Background papers: exempt

5 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES

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

Members discussed the referrals as appropriate.

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(i) S.D.J.L (Existing licence holder)

The Licence holder had previously been before the Sub-Committee in relation to one of his other vehicle licences at the 12 February 2019 meeting, at which time the decision was taken to revoke that licence and in addition, the Sub-Committee agreed:

'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.'

Mr Ratcliffe reported that in the days following that meeting, another of SDJL's vehicles was stopped for a roadside inspection and was found to have a number of serious mechanical defects that presented risks to fare paying passengers and other road users.

SDJL was present and provided various documents purported to be receipts for work carried out on the vehicle and suggested that his mechanic had let him down. He also claimed to have issued each of his drivers with a maintenance checklist for them to complete in between operating the vehicle to identify any ongoing maintenance issues and quickly address them. However, upon closer inspection, there was a lack of supporting paperwork for the time leading up to when the vehicle was inspected and found to have defects.

Concerns were expressed about the nature of the relationship between the licence holder and his drivers, a lack of communication, a lack of responsibility taken by the vehicle owner and the licence holder's previous appearances before the Sub-Committee for similar issues and a history of non-compliance with the Licensing Service. A dim view was taken of the licence holder's ability to continue to operate vehicles given the manner his vehicles had been presented in on a number of occasions and the fact that he had not fully heeded the conditions on those licences or the advice given to him by Council mechanics and Members of the Sub-Committee.

Resolved: To revoke all four of SDJL's Hackney Carriage Vehicle Licences on the grounds that the licence holder was not a fit and proper person to hold such licences and the associated risk to the public of allowing vehicles of such poor standards remain licensed.

(ii) S.M.R (Existing licence holder)

Mr Ratcliffe advised that the vehicle attached to the licence had been stopped by Licensing Enforcement officers and had been found to have some tyres with excessive wear and degradation. Concerns about the nature of routine checks that the licence holder was responsible for were therefore called into question.

SMR was in attendance and claimed that the vehicle had been taken to his regular mechanic for work prior to the inspection and he believed that the tyres should have been replaced at that time. He claimed there had been a wheel alignment issue that may have led to increased tyre wear and presented various receipts and paperwork to support his claims of routine maintenance.

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SMR admitted that he could have done more by way of routine checks and would be changing which garage he would take his vehicles to for any future repairs.

The Sub-Committee expressed concerns especially given that many of the faults should have been easily identified during the course of routine checks and maintenance of the type expected to be carried out by all license holders on their vehicles. Members were convinced that communication between the driver and owner of the vehicle had been poor and that the use of a more comprehensive maintenance schedule and daily checklist could have prevented 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 5,000 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.

(iii) J.T.M (Existing licence holder and driver)

Mr Ratcliffe informed members that the licence holder and driver had presented his vehicle for a routine pit-test inspection whereupon it was found to have serious defects some of which constituted MOT failures and as such the Licensing Service recommended as a minimum, that a number of conditions be applied to the vehicle licence.

JTM was in attendance and claimed to have limited mechanical knowledge and suggested that he relied largely on garage mechanics for maintenance work to be carried out on his vehicle so that it could be presented in a suitable condition for the carriage of fare paying passengers.

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The Sub-Committee questioned why many of the receipts presented by JTM as proof of maintenance work were for vehicle parts only and did not appear to include fees for fitting or for completed work in a garage setting or by qualified mechanics. Furthermore, members were concerned that the licence holder seemed to use pit tests to identify faults with his vehicle which was evidenced by the number of failed pit test results listed in the report.

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 - 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.

Background papers: exempt

6 DATE OF NEXT MEETING

The Sub-Committee noted the date of the next meeting as 23 April 2019, to be held at the Solaris Centre, South Promenade.

Chairman

(The meeting ended at 9.10 pm)

Any queries regarding these minutes, please contact:
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