

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 12 JUNE
2019**

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP	Farrell	D Scott	Wilshaw
Critchley	Hunter	R Scott	

In Attendance:

Mrs Sharon Davies, Principal Solicitor
Mr Chris Williams, Democratic Services Adviser

1 APPOINTMENT OF CHAIRMAN

Following the Licensing Committee meeting held on 3 June 2019, the formation of a Public Protection Sub- Committee for the forthcoming Municipal Year was approved. However, the decision was taken not to appoint the Chairman of the Public Protection Sub-Committee at that meeting.

Resolved:

To appoint Councillor Hutton as Chairman of the Public Protection Sub-Committee for the remainder of the Municipal Year 2019/2020.

2 APPOINTMENT OF VICE-CHAIRMAN

Following the Licensing Committee meeting held on 3 June 2019, the formation of a Public Protection Sub- Committee for the forthcoming Municipal Year was approved. However, the decision was taken not to appoint the Vice-Chairman of the Public Protection Sub-Committee at that meeting.

Resolved:

To appoint Councillor D Scott as Vice-Chairman of the Public Protection Sub-Committee for the remainder of the Municipal Year 2019/2020.

3 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

4 MINUTES OF THE LAST MEETING HELD ON 23 APRIL 2019

The Sub-Committee considered the minutes of the last meeting held on 23 April 2019.

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Resolved:

That the minutes of the meeting held on 23 April 2019 be approved and signed by the Chairman as a correct record.

5 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 5, 6 and 7 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.

6 DONKEY DRIVER'S LICENCE

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

Members discussed the application as appropriate.

L.A.E. (New Applicant)

The applicant was not in attendance. However, Members agreed that he had been given adequate notification to attend and therefore heard the case in his absence.

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and presented the authority's case. He explained that the applicant had committed two offences that had involved damage to property.

The Sub-Committee were concerned about the nature and recency of the offences committed by the applicant and saw no reason to depart from the guidance on this occasion.

Resolved:

To refuse the application for a Donkey Driver's Licence on the grounds that the applicant was not a fit and proper person to be licensed.

7 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCES

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

Members discussed the applications and referrals as appropriate.

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(i) G.J.R. (New Applicant)

GJR was in attendance and made representations to the Sub-Committee. He explained that in relation to the offences he had committed, which had involved dishonesty or violence in some cases, they had occurred during difficult periods in his life. He added that he now had a family and had held positions of responsibility without issue for many years. He also presented two supporting character references to the Sub-Committee.

Members reasoned that the number and nature of offences committed by the applicant were unfortunate and this was compounded by a relative lack of explanation regarding the details of some of those offences. However, the applicant had shown maturity and remorse for his actions and seemed to present himself as someone that that learned from previous mistakes.

Resolved:

To grant the Private Hire Driver Licence with the addition of a warning letter in relation to future conduct indicating that if GJR were brought before the Sub-Committee again in the future for any reason, then serious action would likely be taken.

(ii) S.B. (New Applicant)

Mr Ratcliffe presented the case on behalf of the authority. He informed Members that the applicant had a significant number of convictions for numerous offences committed during a seven year period, some for dishonesty, with the last having occurred over 25 years ago.

SB was in attendance and made representations to the Sub-Committee. He admitted that he had made many mistakes as a younger man and regretted much about that period of his life. He claimed he had changed many aspects of his life since and had managed numerous businesses, worked with a wide variety of people, managed significant sums of money and had a family to provide for.

The Sub-Committee expressed concern about the number and nature of the offences committed by the applicant. However, all of the convictions were historical and members reasoned the applicant had displayed remorse and made every effort to change as a person in the ensuing years.

Resolved:

To grant the Private Hire Driver Licence.

(iii) S.R.P. (New Applicant)

The applicant explained to the Sub-Committee that the various motoring offences including one for drink-driving, detailed in the authority's case, were unfortunate and regrettable and added that one of the offences at least was not actually a motoring offence at all. In response to a question from the Sub-Committee, SRP claimed to no longer drink alcohol and had no further convictions of any sort.

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The Sub-Committee reasoned that the offences were historical and accepted the applicant had made some poor choices in the past. However, Member's concerns were largely alleviated by the explanations he provided and the remorse demonstrated.

Resolved:

To grant the Private Hire Driver Licence.

(iv) S.B.S. (Private Hire Driver)

Mr Ratcliffe informed the Sub-Committee that the driver had a conviction for battery which he had failed to declare previously when re-applying for his licence upon its expiry.

SBS described the circumstances surrounding the offence and apologised for his part in it. He suggested that a drunken argument with his wife had led to a physical altercation. He added that his wife had not pursued the matter and when his case went to court, upon the advice of his solicitor, he had pleaded guilty. SBS explained that he was still with his wife and no other incidents had taken place before or since. With regard to non-declaration of the offence, SBS explained that this related to an application in 2017 and was due to a misunderstanding based on legal advice he claimed he had received.

Members expressed concerns over the incident and whether the driver had been involved in domestic violence or merely a drunken argument which had gotten out of hand. The Sub-Committee was generally satisfied with the explanations given by the driver and the level of remorse demonstrated.

Resolved:

1. To issue a warning letter in relation to future conduct indicating that if the driver were brought before the Sub-Committee again in the future for any reason, then suspension or revocation of the Licence would be the likely outcome.
2. To not prosecute for non-declaration of offences on an application to be licensed.

(v) A.L.D. (Hackney Carriage Driver)

The Sub-Committee was informed that the driver's case was linked to the vehicle licence holder P.M.H. at agenda item 7.

With regards to the maintenance issues identified with the vehicle operated by PMH and driven by ALD, the driver claimed that he performed regular checks but admitted that his overall mechanical knowledge was limited and as such, he had not picked up many of the faults detailed in the report.

The Sub-Committee were concerned at the driver's lack of mechanical knowledge and equally by his attitude which seemed to suggest he did not take his responsibilities seriously enough. In addition, the driver had some recent relevant motoring convictions.

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Resolved:

To issue the Hackney Carriage Driver with a warning letter indicating that if he were brought before the Sub-Committee again in the future, then suspension or revocation of the Licence would be the likely outcome.

Background papers: exempt

8 HACKNEY CARRIAGE DRIVER AND VEHICLE LICENCES

The Sub-Committee considered referrals in respect of the following cases:

i) P.M.H

The Sub-Committee noted that the case was linked to driver ALD contained in agenda item 6.

Mr Ratcliffe advised Members that during a routine inspection carried out by Licensing Enforcement Officers, PMH's vehicle was found to have a number of serious mechanical defects, four of which would constitute MOT failures.

The licence holder was in attendance and expressed regret that his vehicle was in such poor condition and added that he thought despite the nature of the faults, in his opinion, the vehicle was not unsafe. He also advised that he had put a maintenance schedule in place with each of his drivers complete with a checklist to be completed by each driver at the start of their shifts. A letter from the owner of a local taxi firm was also produced by way of character reference in support of PMH.

The Sub-Committee considered the case and accepted that despite the faults identified on the licence holder's vehicle, he had already made efforts to improve future conduct and appeared remorseful.

Resolved:

1. To issue the licence holder with a warning letter, indicating if he were brought before the Sub-Committee again for similar maintenance concerns, then suspension or revocation of the Vehicle Licence would be the likely outcome.
2. To impose the following conditions on the Vehicle Licence, effective immediately:
 - *The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis.*
 - *The licence holder to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for a period of two years.*
 - *Records of all servicing to be retained for two years, those servicing records to contain the date, vehicle registration number and mileage of the vehicle*
 - *All service/inspection records must be legible*
 - *All records to be produced to enforcement or police officers within 24 hours of the demand being made.*

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- *The licence holder must implement a procedure to ensure that drivers do a visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.*

(ii) J.J.S.

JJS was not in attendance but was instead represented by her brother, Mr Myers.

He explained that the poor maintenance identified during an inspection of the licence holder's vehicle was unfortunate and he apologised on her behalf. However, he proceeded to describe mitigating factors that he asked the Sub-Committee to consider. A number of receipts, photographs and car parts were circulated to Members and Mr Myers claimed that the regular mechanic used for the pre-testing of JJS's vehicle had let them down by suggesting the vehicle was in a condition ready to be presented for a routine pit-test.

The Sub-Committee appreciated the detailed case put forward by Mr Myers on behalf of the licence holder. However, despite assurances of improvements to JJS's future maintenance regime, ultimately the fact remained that the vehicle was not in a suitable state mechanically to carry fare paying passengers.

Resolved:

1. To issue the licence holder with a warning letter, indicating if she were brought before the Sub-Committee again for similar maintenance concerns, then suspension or revocation of the Vehicle Licence would be the likely outcome.
2. To impose the following conditions on all six of Vehicle Licences operated by the licence holder, effective immediately:
 - *The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis.*
 - *The licence holder to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for a period of two years.*
 - *Records of all servicing to be retained for two years, those servicing records to contain the date, vehicle registration number and mileage of the vehicle*
 - *All service/inspection records must be legible*
 - *All records to be produced to enforcement or police officers within 24 hours of the demand being made.*
 - *The licence holder must implement a procedure to ensure that drivers do a visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.*

(iii) R.J.E. and (iv) D.W.M.

The Sub-Committee considered the licence holders cases together as they operated the licence jointly at the time that the maintenance issues were identified with the vehicle in question.

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Mr Ratcliffe reported that the licence holder's vehicle had been found to have numerous serious mechanical defects, some of which were serious enough to constitute MOT failures. Also, DWM had a track record of 11 failed pit tests in a total of 12 over a four year period.

Both licence holders were in attendance and supported by Bill Lewtas, Blackpool Licensed Taxi Operator's (BLTOA). Mr Lewtas explained that both were sorry for the state of the vehicle as it was during the inspection by Council qualified mechanics. He added that the regular mechanic that prepared the vehicle for testing had simply not identified any of the faults despite receipts proving that a full inspection had indeed been undertaken in the days before the inspection by Council mechanics. RJE claimed that in his opinion, many of the faults, particularly those on the underside of the vehicle were not readily identifiable during the course of a simple walk-around of the vehicle as performed by himself.

As neither licence holder had previously been before the Sub-Committee for any reason and had provided satisfactory accounts and supporting evidence of their claims, the Sub-Committee reasoned that despite earlier concerns, the vehicle in question had now been replaced and a stricter maintenance regime put in place by both licence holders, containing conditions similar to those recommended by the Licensing Service.

Resolved:

1. To issue the licence holder RJE with a warning letter, indicating if he were brought before the Sub-Committee again for similar maintenance concerns, then then more serious action would result.
2. To issue the licence holder DWM with a warning letter, indicating if he were brought before the Sub-Committee again for similar maintenance concerns, then more serious action would result.

Background papers: exempt

9 DATE OF NEXT MEETING

The date of the next meeting was noted as 2 July 2019.

Chairman

(The meeting ended at 1.50 pm)

Any queries regarding these minutes, please contact:
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