

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 21 JANUARY  
2020**

**Present:**

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP  
Collett

Critchley  
Farrell

Hunter  
R Scott

Wilshaw

**In Attendance:**

Mrs Sharon Davies, Principal Licensing 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 17 DECEMBER 2019**

The Sub-Committee considered the minutes of the last meeting held on 17 December 2019.

**Resolved:**

That the minutes of the meeting held on 17 December 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.

**4 PRIVATE HIRE VEHICLE DRIVER'S LICENCES**

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

Members discussed the applications and referrals as appropriate.

- (i) S.S. (New Applicant)

Mr Ratcliffe, Licensing Enforcement Officer was in attendance and presented the case on behalf of the authority. It was reported that the applicant had two previous convictions for drink driving which gave cause for concern to the Licensing Service.

The applicant was in attendance with his brother and made representations to the Sub-

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Committee. SS explained that he regretted the offences outlined in the report and suggested that he had made some poor lifestyle choices in the past. He added that he wished to put those times behind him and was now looking for greater stability and flexibility in his work to accommodate his family life.

The Sub-Committee considered the seriousness and relevance of the driving offences committed by SS but accepted on balance that he had made positive changes to his life and deserved to be given a chance given the time that had elapsed since the most recent offence.

**Resolved:**

To grant the Private Hire Driver's Licence with the addition of a Severe Warning Letter in relation to future conduct indicating that in the event the applicant was brought before the Sub-Committee again in the future, suspension or revocation of the Licence would be the likely outcome.

(ii) C.A. (New Applicant)

The applicant was in attendance and in response to the authority case which listed numerous criminal convictions that included violent offences and motoring convictions, CA produced a letter in support of his application and explained that since those convictions, his circumstances had changed and he now had a family and ran a business with his wife. With regards to the offences, the applicant regretted mistakes he had made in younger life and assured Members that his poor choices were a result of youth and ignorance.

The Sub-Committee believed that on balance that whilst the offences gave cause for concern, they were historic and the applicant had clearly made positive steps to change his life for the better and had largely mitigated his earlier mistakes.

**Resolved:**

To grant the Private Hire Driver's Licence with the addition of a Severe Warning Letter in relation to future conduct indicating that in the event the applicant was brought before the Sub-Committee again in the future, suspension or revocation of the Licence would be the likely outcome.

(iii) M.R. (Existing Private Hire Driver)

The Licence Holder was not in attendance and therefore made no representations to the Sub-Committee. In the absence of any contact from the driver, Members agreed to hear the case in his absence.

Mr Ratcliffe informed the Sub-Committee that as a licensed driver, MR was required to submit to a Group Two Medical once every five years given his age. In addition, the driver had failed to attend certain required training sessions and the Licensing Service had been unable to make contact with him.

Given the lack of cooperation and failure to attend required medical and training appointments, the Sub-Committee agreed that the driver appeared not to be taking his

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responsibilities seriously enough. In light of this, Members reasoned that the Licence ought to be suspended until such time as all outstanding requirements had been satisfied and should those requirements not be met after an extended length of time, the Licence would be reviewed again by the Sub-Committee in the future.

**Resolved:**

To suspend the Private Hire Vehicle Driver's Licence for MR until all outstanding medical and training requirements had been completed.

(iv) J.L. (Existing Private Hire Driver)

Mr Ratcliffe outlined the case on behalf of the authority. It was noted that the driver had been convicted of an offence for using a mobile phone whilst driving which he had also failed to declare to the Licensing Service until his renewal application almost two years after the date of the offence.

JL was in attendance and claimed that in relation to the offence, he was operating a satnav at the time and not a mobile phone and was stationary at traffic lights.

The Sub-Committee reasoned that perhaps there was some mitigation in the explanation provided by the driver regarding the offence and he had not given cause for concern previously. However, it was felt that JL should have notified the Licensing Service once he had been convicted rather than wait until his renewal application.

**Resolved:**

To issue a Severe Warning Letter in relation to future conduct indicating that in the event he was brought before the Sub-Committee again in the future, suspension or revocation of the Licence would be the likely outcome.

Background papers: exempt

**5 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES**

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

Members discussed the referrals as appropriate.

(i) A.O. (Existing Licence holder)

Mr Ratcliffe presented the case on behalf of the authority. The vehicle belonging to AO had failed a routine pit test and numerous serious mechanical defects had been reported by technicians at the Central Vehicle Maintenance Unit at Layton Depot. Of the 18 faults identified, nine were judged to be MOT failures. Whilst the vehicle's age meant that it fell just outside the Exceptional Quality Policy, it was still taken off the road immediately.

The Licence Holder was in attendance and made representations to the Sub-Committee. He advised that he had since replaced the vehicle and suggested that at the time of the pit-test, he was surprised to find the faults discovered as he claimed to have taken the

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vehicle to his mechanic shortly before the test date and they had failed to observe any of the faults. He suggested some of the faults, particularly those on the underside of the vehicle would have been impossible to spot without a ramp. AO presented a number of receipts that he claimed proved that preparatory work had been undertaken on the vehicle prior to testing.

The Sub-Committee expressed serious concerns about the state of the vehicle as presented for a pit-test. They agreed that higher standards were demanded from the Licence Holder and his failure to accept much of the responsibility for the condition of the vehicle made the situation worse. In addition, some of the receipts presented appeared to lack authenticity.

Ultimately, members were minded to take serious action against the Licence Holder who had failed to perform adequate maintenance on his vehicle and appeared to lack basic mechanical knowledge or be able to operate a simple maintenance schedule.

**Resolved:**

1. To suspend the Hackney Carriage Vehicle Licence and Hackney Carriage vehicle Driver's Licence for a period of two months to encourage future compliance and given the seriousness of the faults identified with the vehicle.

2. To Impose the following conditions on the Hackney Carriage Vehicle Licence:

- *All inspections must be recorded in writing and this written record must include a list of action taken as a result of the inspection.*
- *The licence holder is 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 2 years.*
- *Records of all servicing to be retained for 2 years, those servicing records to contain the date, vehicle registration number & 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.*

- (ii) P.H.S. (Existing Licence holder)

The Licence Holder was in attendance and made representations to the Sub-Committee. In response to the authority's case concerning serious defects found during a routine pit inspection of the Licence Holder's vehicle, PHS claimed he was in hospital at the time of the pit test and therefore did not personally present the vehicle for testing. In addition, he produced documentation related to MOT tests taken subsequently but soon after the pit inspection where the vehicle appeared to pass. However, Members questioned whether the tests might have been performed on the vehicle after remedial works had already been carried out. The Licence Holder claimed that this had not been the case.

It was impressed upon PHS that the pit test was more stringent than a standard MOT test and therefore not comparable, so that faults that would not result in an MOT failure

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could constitute a pit-test failure.

The Sub-Committee reasoned that the vehicle operated by the Licence Holder was presented in a condition that fell well below the standards it was subject to under the Exceptional Quality Policy. PHS seemed unwilling to accept the failings and lacked remorse. Furthermore, no regular maintenance schedule between the Licence holder and driver was in place.

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- *Records of all servicing to be retained for 2 years, those servicing records to contain the date, vehicle registration number & 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) S.F. (Existing Licence holder)

Mr Ratcliffe outlined the authority's case. During a routine vehicle stop performed by the Licensing Service and the Central Vehicle Maintenance Unit, the Licence Holder's vehicle was found to have numerous faults, some of which should have been obvious upon casual inspection.

The Licence holder was in attendance and suggested that some of the faults were not present when he got in the vehicle earlier that day. SF produced various receipts to evidence a regular maintenance schedule for the vehicle and added that he often had it checked at various mileage intervals.

The Sub-Committee were concerned at the Licence Holder's apparent lack of mechanical knowledge and some of the basic faults that had been discovered on the vehicle.

**Resolved:**

That the following conditions be imposed on the Private Hire Vehicle Licence:

1. *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.*
2. *The vehicle is to be serviced every 5000 miles*

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*3. Records of all servicing to be retained for 2 years*

*4. Those records to be legible*

*5. Those records to be produced to Enforcement or Police officers within 24 hours of the demand being made.*

Background papers: exempt

**6 DATE OF NEXT MEETING**

The date of the next scheduled meeting was noted as 25 February 2020.

**Chairman**

(The meeting ended at 8.20 pm)

Any queries regarding these minutes, please contact:

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