

Blackpool Council

23 June 2014

To: Councillors G Coleman, Cox, Mrs Delves, Doherty, Hutton, O'Hara and Mrs Taylor
(membership subject to approval at the Council meeting on 25th June 2014.)

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 1 July 2014 at 10.00 am
in Committee Room A, Town Hall, Blackpool, FY1 1GB

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Services in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 8TH MAY 2014

To agree the minutes of the last meeting held on 8th May 2014 as a true and correct record.

3 LICENSING OF NOVELTY HORSE DRAWN HACKNEY CARRIAGES (Pages 1 - 4)

To consider the Council's policy on licensing novelty Horse-Drawn Hackney Carriages.

(The Sub-Committee may consider it necessary to exclude the public and press from part or all of its decision making in order to receive information which is protected by legal privilege and is therefore exempt from publication by virtue of Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972)

4 APPLICATION TO LICENCE A MODIFIED HORSE-DRAWN HACKNEY CARRIAGE (Pages 5 - 12)

To consider an application to licence a modified Horse-Drawn Hackney Carriage.

(The Sub-Committee may consider it necessary to exclude the public and press from part or all of its decision making in order to receive information which is protected by legal privilege and is therefore exempt from publication by virtue of Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972)

5 HACKNEY CARRIAGE VEHICLE LICENCE (Pages 13 - 18)

(This item contains personal information regarding applicants and licence holders which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

6 PRIVATE HIRE VEHICLE DRIVERS LICENCE (Pages 19 - 28)

(This item contains personal information regarding applicants and licence holders which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Bernadette Jarvis, Senior Democratic Services Advisor, Tel: (01253) 477157, e-mail bernadette.jarvis@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Decision or Item number	3
Relevant Officer:	Mark Towers, Head of Democratic Services
Date of Meeting	1 st July 2014

LICENSING OF NOVELTY HORSE DRAWN HACKNEY CARRIAGES

1.0 Purpose of the report:

1.1 To consider the Council's policy on licensing novelty Horse-Drawn Hackney Carriages.

2.0 Recommendation(s):

2.1 The Sub-Committee is requested to consider the report and determine its policy on licensing novelty Horse-Drawn Hackney Carriages.

3.0 Reasons for recommendation(s):

3.1 The Sub-Committee requested a review at its meeting in May 2014.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None as the Sub-Committee requested the review.

4.0 Council Priority:

4.1 The relevant Council Priority is "Create safer communities and reduce crime and anti-social behaviour"

5.0 Background Information

- 5.1 Before any non-traditional style Horse-Drawn Hackney Carriage can be licensed, the vehicle must be approved by the Public Protection Sub-Committee. For a number of years the proportion of novelty carriages on the fleet has remained reasonably constant, however recently there has been a notable increase in the number of enquiries from operators about licensing Cinderella and other non-traditional styles of Horse-Drawn Hackney Carriages.
- 5.2 At its meeting in May 2014, the Sub-Committee expressed concern about the number of pink Cinderella style carriages that they are being asked to licence. The Sub-Committee was also anxious to encourage the retention of the traditional style of carriages that are part of Blackpool's heritage.
- 5.3 Section 47 Local Government (Miscellaneous Provisions) Act 1976 deals with licensing of Hackney Carriages. Sub-section 2 is particularly relevant:
- 1) A district council may attach to the grant of a licence of a Hackney Carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary,
 - 2) Without prejudice to the generality of the foregoing subsection, a district council may require any Hackney Carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.
 - 3) Any person aggrieved by any conditions attached to such a licence may appeal to a Magistrates' Court.
- 5.4 Most of the case law dealing with vehicle specifications relates to motorised vehicles, but the case of *R v Wirral Metropolitan Borough Council ex p the Wirral Licensed Hackney Carriage Owners Association* is useful. This case centred on a decision that from a specified date all Hackney Carriages licensed by Wirral had to be of a purpose built type. During the judgement, Glidewell J said "what are the Council's functions under this legislation in relation to the licensing of taxi cabs? As I see it they are to achieve, so far as they can, the safety, convenience and comfort of passengers in Hackney Carriages, the safety of other road users and to ensure that there is some way in which those who wish to use either Hackney Carriages or Private Hire vehicles can readily distinguish the one type of vehicle from another." The case decided that in this case the decision to make all Hackney Carriages purpose built was lawful.
- 5.5 When making decisions relating to Hackney Carriages, the Sub-Committee must have public safety at the centre of its decision-making as this is the reason for regulating the trade. Whilst it does appear to be open to the Sub-Committee to make a decision to licence or not licence a particular design of Hackney Carriage (on the basis of achieving the aims detailed in the case above), there does not appear to be any scope to limit the number of a particular vehicle once it has been approved. The

reasoning behind this is that if one particular vehicle is commercially more lucrative than another, to limit the number of the more lucrative vehicles would give those vehicle owners a competitive advantage over others.

- 5.6 The Sub-Committee does have the power to decide that all Hackney Carriage vehicles should be one colour, but this power can only be exercised to ensure that the public can distinguish between Hackney Carriages and Private Hire vehicles. A decision to implement a uniform colour would impact on the motorised trade as it does on the Horse-Drawn.

Does the information submitted include any exempt information?

No

List of Appendices:

None

6.0 Legal considerations:

- 6.1 A person aggrieved by the decision of the Sub-Committee has the right to appeal to the Magistrates' Court. Any general policy decision could be subject to Judicial Review.
- 6.2 The Head of Legal Services will be represented at the meeting to advise the Sub-Committee.

7.0 Human Resources considerations:

- 7.1 None

8.0 Equalities considerations:

- 8.1 None

9.0 Financial considerations:

- 9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

Report to:	PUBLIC PROTECTION SUB COMMITTEE
Decision or Item number	4
Relevant Officer:	Mark Towers, Head of Democratic Services
Date of Meeting	1 st July 2014

APPLICATION TO LICENCE A MODIFIED HORSE-DRAWN HACKNEY CARRIAGE

1.0 Purpose of the report:

1.1 The Sub-Committee to consider an application to licence a modified Horse-Drawn Hackney Carriage.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine whether this Carriage is suitable to be licensed as a Horse-Drawn Hackney Carriage.

3.0 Reasons for recommendation(s):

3.1 Licensed Horse-Drawn Hackney Carriages are responsible for transporting passengers. It is important for the protection of the public that only carriages that are suitable and fit for purpose are licensed.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the Sub-Committee is required to consider the application.

4.0 Council Priority:

4.1 The relevant Council Priority is "Safeguard and protect the most vulnerable"

5.0 Background Information

- 5.1 On the 19th May 2014, David John Shea made a request to licence a modified Horse-Drawn Hackney Carriage.
- 5.2 The Sub-Committee decided at its meeting on the 23rd September 2010 to permit any style carriage however any carriages that were not of the traditional style were required to be produced before the Sub-Committee for approval.
- 5.3 The Carriage has not yet been inspected by the Council's carriage inspector. The inspection is due to be arranged pending the decision of the Public Protection Sub-Committee.
- 5.4 The applicant has been invited to attend the meeting.
- 5.5 Colour photographs of the Horse-Drawn Hackney Carriage will be circulated at the meeting.

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 4(a): Photographs of the Horse-Drawn Hackney Carriage

6.0 Legal considerations:

- 6.1 The Head of Legal Services will be represented at the meeting to advise the Sub-Committee.

7.0 Human Resources considerations:

- 7.1 None

8.0 Equalities considerations:

- 8.1 None

9.0 Financial considerations:

- 9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Decision or Item number	5
Relevant Officer:	Mark Towers, Head of Democratic Services
Date of Meeting	1 st July 2014

HACKNEY CARRIAGE VEHICLE LICENCE

1.0 Purpose of the report:

1.1 The Sub-Committee is asked to consider whether the conditions currently attached to the applicant's Hackney Carriage vehicle licence are still reasonably necessary.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the application as appropriate.

3.0 Reasons for recommendation(s):

3.1 Licensed vehicles are responsible for transporting passengers. It is important for the protection of the public that only suitable vehicles that are fit for purpose are licensed.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the Sub-Committee is required to consider the application.

4.0 Council Priority:

4.1 The relevant Council Priority is "Safeguard and protect the most vulnerable"

5.0 Background Information

5.1 The Sub-Committee is asked to determine whether or not the conditions attached to licence are still reasonably necessary for the Hackney Carriage licence, in respect of the following case:

S.J.H. (Existing)

5.2 Matters causing concern and any supporting documents are attached at Appendix 5(a).

Does the information submitted include any exempt information?

Yes

List of Appendices:

Appendix 5(a) Details of cases (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the conditions are no longer reasonably necessary.

6.2 There is the right of appeal to the Magistrates' Court.

6.3 The Head of Legal Services will be represented at the meeting to advise the Sub-Committee.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 Exempt

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Decision or Item number	6
Relevant Officer:	Mark Towers, Head of Democratic Services
Date of Meeting	1 st July 2014

PRIVATE HIRE VEHICLE DRIVERS LICENCE

1.0 Purpose of the report:

1.1 The Sub-Committee is asked to consider applicants and licence holders who have been convicted of offences or who have otherwise given reasons for concern.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the applications or referrals as appropriate.

3.0 Reasons for recommendation(s):

3.1 Licensed drivers can be responsible for transporting vulnerable passengers. It is important for the protection of the public that only fit and proper persons are licensed.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, the Sub-Committee is required to consider the applications and referral.

4.0 Council Priority:

4.1 The relevant Council Priority is "Safeguard and protect the most vulnerable"

5.0 Background Information

5.1 The Sub-Committee is asked to determine whether or not the applicants and existing licensed driver are fit and proper persons to hold a Private Hire driver's licence, in respect of the following cases:

J.R.H. (existing) S.B. (New) N.S. (New)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 6(a).

Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 6(a): Details of cases (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicants and existing driver are fit and proper persons to be licensed.

6.2 There is the right of appeal to the Magistrates' Court.

6.3 The Head of Legal Services will be represented at the meeting to advise the Sub-Committee.

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 Exempt

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