

# Public Document Pack

# Blackpool Council

18 July 2014

To: Councillors G Coleman, Cox, Mrs Delves, Doherty, Hutton, O'Hara and Mrs Taylor

The above members are requested to attend the:

## **PUBLIC PROTECTION SUB-COMMITTEE**

Tuesday, 29 July 2014 at 10.00 am  
in Committee Room B, Town Hall, Blackpool FY1 1GB

## **A G E N D A**

### **ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS**

The Head of Democratic Governance has marked with an asterisk (\*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

### **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 Governance in advance of the meeting.

### **2 MINUTES OF THE LAST MEETING HELD ON 1ST JULY 2014** (Pages 1 - 4)

To agree the minutes of the last meeting held on 1<sup>st</sup> July 2014 as a true and correct record.

### **3 APPLICATION TO LICENCE A HORSE-DRAWN HACKNEY CARRIAGE** (Pages 5 - 8)

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

\* **4 HACKNEY CARRIAGE DRIVERS LICENCE** (Pages 9 - 16)

(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)

\* **5 PRIVATE HIRE VEHICLE DRIVERS LICENCE** (Pages 17 - 24)

(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 HORSE-DRAWN HACKNEY CARRIAGE DRIVERS LICENCE** (Pages 25 - 30)

(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)

**7 DATE OF NEXT MEETING**

To note the date of the next meeting as Tuesday 2<sup>nd</sup> September 2014.

**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](mailto: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](http://www.blackpool.gov.uk).

### **Present:**

Councillor Hutton (in the Chair)

Councillors

Brown	Doherty	Mrs Taylor
Mrs Delves	O'Hara	

### **In Attendance:**

Sharon Davies, Head of Licensing Service  
Ryan Ratcliffe, Licensing Officer  
Bernadette Jarvis, Senior Democratic Services Adviser

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 EXCLUSION OF THE PUBLIC**

1. 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 and 6 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.
2. That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting for part or all of the decision making at Agenda items 3 and 4 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 Act.

### **3 MINUTES OF THE LAST MEETING HELD ON 8TH MAY 2014**

**Resolved:** That the minutes of the last meeting held on 8<sup>th</sup> May 2014 be signed by the Chairman as a correct record.

### **4 LICENSING OF NOVELTY HORSE DRAWN HACKNEY CARRIAGES**

Mrs Davies, Principal Solicitor Licensing, reminded Members that at its last meeting the Sub-Committee had expressed concern about the increasing number of non-traditional style Horse -Drawn Hackney Carriages and requested that a report be brought to this meeting to consider options for limiting the number of this type of carriage.

Mrs Davies advised Members that the Council's responsibilities for licensing Hackney Carriages under current legislation were to ensure the safety, convenience and comfort of passengers and to enable the public to distinguish between Hackney Carriages and Private Hire vehicles. She outlined the legal implications of placing a limit on the number

## MINUTES OF PUBLIC PROTECTION SUB MEETING - TUESDAY, 1 JULY 2014

of a particular style of vehicle which could give a competitive advantage to some Horse-Drawn Hackney Carriage proprietors.

Mrs Davies confirmed that the Sub-Committee was currently able to review each application for a non-traditional style Horse-Drawn Hackney Carriage on its merits and during consideration of the application, public safety must be the principal factor in determining the application.

Members discussed the options for limiting the number of non-traditional style Horse-Drawn Hackney Carriages and had regard to the Council's Hackney Carriage and Private Hire Licensing Policy.

**Resolved:** That no changes be made to the Council's Horse-Drawn Hackney Carriage Policy and to request that all applications for modified Horse-Drawn Hackney Carriages be presented to the Sub-Committee for approval with the vehicle being made available for a visual inspection by Members during consideration of the application.

Background papers: None

### 5 APPLICATION TO LICENCE A MODIFIED HORSE-DRAWN HACKNEY CARRIAGE

The Sub-Committee considered an application to licence a modified Horse-Drawn Hackney Carriage. During consideration of the application, Members conducted a visual inspection of the Carriage.

The applicant, accompanied by a friend was invited to speak on behalf of the application.

Members discussed the merits of the application and made favourable comments on the style of the Carriage. The Sub-Committee noted that the Carriage had not yet been inspected by the Council's Carriage Inspector and that this would be arranged should the application be approved.

**Resolved:** That the application to licence a modified Horse-Drawn Hackney Carriage be granted subject to a satisfactory inspection by the Council's Carriage Inspector.

Background papers: None

### 6 HACKNEY CARRIAGE VEHICLE LICENCE

The Sub-Committee was informed of an application to remove additional conditions from a Hackney Carriage vehicle licence.

SJH was in attendance at the meeting.

**Resolved:** That the additional conditions previously attached to the Hackney Carriage licence be removed due to the licence holder's exemplary record in terms of his conduct and the condition in which he operated his vehicles.

Background papers: Exempt

## 7 PRIVATE HIRE VEHICLE DRIVERS LICENCE

The Sub-Committee was informed of two new applications for a Private Hire vehicle driver's licence and an existing Private Hire vehicle driver that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

It was also asked to consider a further Private Hire vehicle driver as an urgent item as the incident that had given cause for concern was not known at the time that the Agenda had been despatched.

JRH, SB, NS and MAP were in attendance at the meeting.

### Resolved:

1. That in the case of JRH, a severe warning letter be issued indicating that in the event of further similar offences suspension or revocation of the licence would be the likely outcome.
2. That in the case of SB, no action would be taken to prosecute for failure to disclose a previous conviction.
3. That in the case of SB, the application for a Private Hire vehicle driver's licence be granted subject to the completion of a satisfactory knowledge test.
4. That in the case of NS, no action would be taken to prosecute for failure to disclose his criminal convictions.
5. That in the case of NS, the application for a Private Hire vehicle driver's licence be granted subject to a warning letter being issued indicating that in the event of future offences the licence may be suspended or revoked.
6. That the case in respect of MAP would be considered as an urgent item as the incident that had given cause for concern had not been known at the time that the Agenda had been despatched.
7. That the Private Hire vehicle driver's licence be suspended in the interests of public safety and that the case be resubmitted for consideration by the Sub-Committee at its meeting on 29<sup>th</sup> July 2014 to enable the outcome of ongoing Police investigations to be known.

Background papers: Exempt

### Chairman

(The meeting ended 11.36 am)

Any queries regarding these minutes, please contact:  
Bernadette Jarvis Senior Democratic Services Advisor  
Tel: (01253) 477157  
E-mail: bernadette.jarvis@blackpool.gov.uk

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<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Regulatory Services
<b>Date of Meeting:</b>	29 <sup>th</sup> July 2014

## **APPLICATION TO LICENCE A CINDERELLA 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 be 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, as the Sub-Committee has previously agreed to consider all applications for a modified Horse-Drawn Hackney Carriage.

**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 6<sup>th</sup> May 2014, Christine Fozzard made a request to licence a Cinderella Horse-Drawn Hackney Carriage.

5.2 The Sub-Committee decided at its meeting on the 23<sup>rd</sup> 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 At its meeting on 21<sup>st</sup> October 2010, the Sub-Committee resolved that a licence in respect of the third Cinderella carriage be granted.

5.4 At its meeting on 10<sup>th</sup> March 2013, the Sub-Committee resolved that a licence in respect of a fourth Cinderella carriage be granted.

5.5 At its meeting on 10<sup>th</sup> April 2014, the Sub-Committee resolved that a licence in respect of a fifth Cinderella carriage be granted.

5.6 At its meeting on 8<sup>th</sup> May 2014, the Sub-Committee resolved that a licence in respect of a sixth Cinderella carriage be granted.

5.7 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 Sub-Committee.

5.8 The applicant has been invited to attend the meeting and has been requested to make the Carriage available for a visual inspection by the Sub-Committee.

Does the information submitted include any exempt information?

No

**List of Appendices:**

None

**6.0 Legal considerations:**

6.1 The Head of Legal Services will be represented 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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<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Regulatory Services
<b>Date of Meeting:</b>	29 <sup>th</sup> July 2014

## HACKNEY CARRIAGE DRIVERS LICENCE

### 1.0 Purpose of the report:

1.1 The Sub-Committee is asked to consider 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 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 referrals.

### 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 existing licensed drivers are fit and proper persons to hold a Hackney Carriage driver's licence, in respect of the following cases:

M.A.P (Existing and Private Hire)      M.W.B (Existing)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(a).

Does the information submitted include any exempt information?      Yes

**List of Appendices:**

Appendix 4(a) Details of cases (not for publication)

**6.0 Legal considerations:**

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

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

**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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<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Regulatory Services
<b>Date of Meeting:</b>	29 <sup>th</sup> July 2014

## PRIVATE HIRE VEHICLE DRIVERS LICENCE

### 1.0 Purpose of the report:

1.1 The Sub-Committee is asked to consider an applicant who has been convicted of offences or who has otherwise given reasons for concern.

### 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 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 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 applicant is a fit and proper person to hold a Private Hire vehicle driver's licence, in respect of the following case:

T.G.B (New)

5.2 Details of offences or 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 case (not for publication)

**6.0 Legal considerations:**

6.1 The Sub-Committee must be satisfied that the applicant is a fit and proper person to be licensed.

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

**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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<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Mark Towers, Director of Governance and Regulatory Services
<b>Date of Decision:</b>	29 <sup>th</sup> July 2014

## HORSE-DRAWN HACKNEY CARRIAGE DRIVERS LICENCE

### 1.0 Purpose of the report:

1.1 To consider an applicant who has been convicted of offences or who has otherwise given reasons for concern.

### 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 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 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 applicant is a fit and proper person to hold a Horse-Drawn Hackney Carriage driver's licence, in respect of the following case:

J.C. (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 case (not for publication)

**6.0 Legal considerations:**

6.1 The Sub-Committee must be satisfied that the applicant is a fit and proper person to be licensed.

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

**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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