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Blackpool Council

5 December 2014

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 16 December 2014 at 11.00 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 18TH NOVEMBER 2014 (Pages 1 - 4)

To agree the minutes of the last meeting held on 18th November 2014 as a true and correct record.

3 HORSE-DRAWN HACKNEY CARRIAGE REPORT (Pages 5 - 8)

To consider a report from the licensing service relating to Horse-Drawn Hackney Carriages.

* **4 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES** (Pages 9 - 14)

(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 DATE OF NEXT MEETING

To note the date of the next meeting as Tuesday 20th January 2015.

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) 477212, 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 NOVEMBER 2014

Present:

Councillor Hutton (in the Chair)

Councillors

Cox	Mrs Jackson	O'Hara
Mrs Delves	M Mitchell	Smith

In Attendance:

Sharon Davies, Head of Licensing Service
Mark Marshall, Licensing Health and Safety Enforcement Manager
Ryan Ratcliffe, Licensing Officer
Ian Taylor, Public Protection Officer
Bernadette Jarvis, Senior Democratic Governance Adviser
Kelly Guy, Assistant Licensing Officer - Observing only

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 21ST OCTOBER 2014

Resolved: That the minutes of the meeting held on 21st October 2014 be signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

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 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 HORSE DRAWN HACKNEY CARRIAGE DRIVERS LICENCE

Prior to the consideration of the cases of the Horse-Drawn Hackney Carriage Drivers Licences that had been referred to the Sub-Committee, Members agreed to consider a verbal update from Mr Marshall, Licensing Health and Safety Enforcement Officer, on the current situation in relation to Horse-Drawn Hackney Carriages.

Mr Marshall reported on a number of serious concerns that had been brought to the attention of the Licensing Service in relation to Horse-Drawn Hackney Carriages following the changes to the road layout on the Promenade. He suggested that a detailed report be brought to the Sub-Committee at its next meeting. He also asked the Sub-Committee to consider deferring consideration of the cases in relation to Hackney Carriage Driver's Licences until after Members had received the report to enable them to be considered

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18
NOVEMBER 2014**

within the wider context of the current issues.

During a general discussion, Members generally considered that it would be advantageous to receive a report on the current issues in relation to Horse-Drawn Hackney Carriages at the Sub-Committee's next meeting. However, concerns were raised at the potential impact of any delay in consideration of the specific cases currently before the Sub-Committee.

The Sub-Committee was therefore informed of three Horse-Drawn Hackney Carriages that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

KC, PS and CJWS were in attendance at the meeting.

Resolved:

1. To receive a detailed report on the current situation with regard to Horse-Drawn Hackney Carriages at its meeting on 16th December 2014.
2. To consider the specific cases relating to Horse-Drawn Hackney Carriage Driver's Licence that had been referred for consideration at this meeting.
3. That in the case of KC, a severe warning letter be issued regarding future conduct as the Sub-Committee was satisfied that on the balance of probability the incident had occurred resulting in significant public safety concerns and the conduct was far below the standard expected of a licensed driver.
4. That in the case of PS, a severe warning letter be issued regarding future conduct as the Sub-Committee was satisfied that on the balance of probability the incident had occurred resulting in significant public safety concerns and the conduct was far below the standard expected of a licensed driver.
5. That in the case of CJWS, a warning letter be issued regarding future conduct as the incident that had occurred had resulted in public safety concerns and was below the standard expected of a licensed driver.

Background papers: Exempt

5 PRIVATE HIRE VEHICLE DRIVERS LICENCE

The Sub-Committee was informed of four new applications for a Private Hire Vehicle Driver's Licence that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

DKA, NC, NLD, supported by a Director of Blacktax Radio Taxis Ltd and DU were in attendance at the meeting.

Resolved:

1. That in the case of DA, no action be taken to prosecute for failure to declare a previous conviction.
2. That in the case of DA, the application for a Private Hire Vehicle Driver's Licence be granted.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18
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3. That in the case of NC, the application for a Private Hire Vehicle Driver's Licence be refused on the grounds that he is not a fit and proper person due to the nature and seriousness of his previous convictions and the insufficient length of time that had elapsed since his previous licence was revoked.
4. That in the case of NLD, the application for a Private Hire Vehicle Driver's Licence be granted, subject to a warning letter being issued regarding future conduct.
5. That in the case of DU, the application for a Private Hire Vehicle Driver's Licence be refused on the grounds that he is not a fit and proper person due to the significant number of previous convictions and the pattern and frequency of those convictions.

Background papers: Exempt

6 DATE OF NEXT MEETING

Members noted the date of the next meeting as Tuesday 16th December 2014.

The Chairman informed Members of the likelihood that the start time for the next meeting would be later than usual due to the possibility of a Licensing Committee being convened prior to the start of the Public Protection Sub-Committee meeting.

Chairman

(The meeting ended 1.30 pm)

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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	16 th December 2014

HORSE-DRAWN HACKNEY CARRIAGE REPORT

1.0 Purpose of the report:

- 1.1 To consider a report from the licensing service about complaints received and incidents investigated relating to Horse-Drawn Hackney Carriages in 2014.

2.0 Recommendation(s):

- 2.1 The Sub-Committee is asked to consider referring the issues relating to Horse-Drawn Hackney Carriages on the Promenade to the Scrutiny Committee for investigation.

3.0 Reasons for recommendation(s):

- 3.1 The Sub-Committee will note the concerns raised by the licensing service. Officers feel that whilst the Scrutiny Committee did consider the issue of Horse-Drawn Hackney Carriage licensing in 2007, the layout of the Promenade has changed significantly since that time therefore it may be appropriate for the issue to be considered in detail once more.

- 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:

The Sub-Committee could decide that no further action needs to be taken at this time.

4.0 Council Priority:

4.1 The relevant Council Priority is:

- Expand and promote our tourism, arts, heritage and cultural offer
- Create safer communities and reduce crime and anti-social behaviour

5.0 Background Information

5.1 Horse-Drawn Hackney Carriages, often referred to as Landaus are licensed to ply for hire all year round although in practice the majority of carriages only work between Easter and the Illumination switch off.

5.2 Whilst these vehicles are licensed as Hackney Carriages and therefore can ply for hire anywhere within the borough, they tend to restrict themselves to the Promenade and are a popular attraction for visitors.

5.3 Over the last 12 months there has been an increase in the number of complaints about the amount of horse droppings on the Promenade and about carriage drivers driving down the middle of the road and going through red lights. There has also been an increase in the number of queries concerning the welfare of the horses whilst on the Promenade.

5.4 In October 2014, a serious incident took place where a horse was startled and bolted down the Promenade. The carriage in question collided with members of the public on the Promenade and a six year old boy had his collar bone broken as a result.

5.5 Officers will provide the Sub-Committee with a full report detailing all of these issues at the meeting.

Does the information submitted include any exempt information?

No

List of Appendices:

None

6.0 Legal considerations:

6.1 None

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 Animal welfare considerations should be taken into account.

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
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	16 th December 2014

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE

1.0 Purpose of the report:

1.1 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 referral 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 determine the 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 licence driver is a fit and proper person to hold a Hackney Carriage and Private Hire driver's licence, in respect of the following case:

S.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:

a) Details of case (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the existing driver 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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