

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 FEBRUARY
2015**

Present:

Councillor Hutton (in the Chair)

Councillors

Doherty

Mrs Jackson

Smith

Mrs Taylor

In Attendance:

Sharon Davies, Head of Licensing Service

Mark Marshall, Licensing Health and Safety Enforcement Manager

Ryan Ratcliffe, Licensing Officer

Bernadette Jarvis, Senior Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 16TH DECEMBER 2014

Resolved: That the minutes of the meeting held on 16th December 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, 4 and 5 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 HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee was informed of an existing Hackney Carriage driver who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

The Chairman informed Members that he had agreed that the Sub-Committee should consider an existing Hackney Carriage and Private Hire vehicle driver as an additional urgent item as the incident that had given cause for concern had not been known at the time that the Agenda was despatched.

Mr Ratcliffe, Licensing Officer, presented both cases on behalf of the Authority. Mr Marshall, Licensing Health and Safety Enforcement Manager was in attendance during consideration of the case in respect of the urgent item.

MTS was in attendance at the meeting. Also in attendance was YC, accompanied by Ms Cutler, Manager of Premier Taxis.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 FEBRUARY 2015

During consideration of the case in respect of MTS, the Sub-Committee was informed that the Disclosure and Barring Service (DBS) certificate that was required as part of the licence renewal procedure had not been received by the Licensing Service despite repeated written reminders and several unsuccessful attempts to contact the driver by telephone. The Sub-Committee noted the driver's comments regarding his personal circumstances and his reasons for not producing the certificate. Whilst Members accepted that the driver had paid the appropriate fee to obtain the certificate, they expressed serious concerns that the certificate had not been made available to the Licensing Service.

The Sub-Committee considered the case in respect of YC as an urgent item as the incident that had been a cause for concern had not been known at the time that the agenda had been despatched.

Members noted that YC had been arrested as a result of an alleged incident and released on Police bail until 15th April 2015. It also noted that, following consultation with the Chairman of the Public Protection Sub-Committee his Hackney Carriage and Private Hire vehicle driver's licence had been suspended by the Head of Licensing Service under delegated powers pending this meeting. The Sub-Committee considered the representations made by the driver regarding the circumstances surrounding the alleged incident and noted his denial of the offence. It also noted both the drivers and Ms Cutler's assurances that CCTV would be installed in his vehicles should the licence be reinstated. However, Members raised significant concerns regarding the serious nature of the allegations made and the fact that YC was currently on bail pending the outcome of Police enquiries. Members were also mindful of the potential impact on the driver should the suspension of his licence be continued, particularly in the event that the Police investigations were subsequently dropped.

Resolved:

1. That in the case of MTS, the Hackney Carriage driver's licence be suspended until such time as a satisfactory DBS certificate had been received on the grounds that without the certificate the Sub-Committee could not be satisfied that he was a fit and proper person to hold such a licence.
2. To delegate authority to the Head of Licensing Service to reinstate the Hackney Carriage driver's licence to MTS upon receipt of a satisfactory DBS certificate.
3. To note that the Chairman had agreed that the case of YC be considered as an additional urgent item as the incident that had given cause for concern had not been known at the time that the Agenda was despatched.
4. That in the case of YC, following suspension of his licence by the Head of Licensing Service under delegated powers, the Hackney Carriage and Private Hire vehicle driver's licence remain suspended pending the outcome of ongoing Police investigations and to delegate authority to the Head of Licensing Service to reinstate the licence should the ongoing Police investigations cease.
5. That the case in respect of YC be brought back to the Sub-Committee for consideration at its meeting on 5th May 2015.

Background papers: Exempt

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 FEBRUARY
2015**

5 PRIVATE HIRE VEHICLE DRIVERS LICENCE

The Sub-Committee was informed of a new application for a Private Hire and Hackney Carriage driver's licence, a new application 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.

YB and GPW were in attendance at the meeting.

During consideration of the application for a Hackney Carriage and Private Hire vehicle drivers licence in respect of YB, the Sub-Committee noted that the applicant had failed to disclose a driving conviction and that the driving licence that he had submitted at the time of application had not been endorsed with the driving conviction. Further investigations by the Licensing Service had revealed that the applicant's driving licence had expired for a period of time prior to application and Members were informed that he had recently presented a new driving licence to the Licensing Service which had been endorsed with the driving conviction. Members considered the representations made by the applicant and noted his explanations regarding the expired driving licence, his personal circumstances and the circumstances surrounding his driving conviction. However, Members expressed serious concerns regarding the nature of his conviction and his failure to disclose same on the application form.

Prior to consideration of the case in respect of LAK, the Sub-Committee was informed that the applicant was not in attendance at the meeting although he had previously been notified of the meeting and had indicated that he would attend. The Sub-Committee discussed the option of considering the case in the applicant's absence but agreed that deferring the matter to the next meeting would allow a further opportunity for him to attend, particularly in light of the fact that he had previously indicated that he wished to do so.

During consideration of the case in respect of GPW, the Sub-Committee was informed that the driver had received a criminal conviction. Members noted the additional information that had been submitted by the Police in relation to the circumstances surrounding the conviction that it had deemed relevant to the application. The Sub-Committee considered representations made by the driver regarding his personal situation at the time of the incident that had resulted in the conviction and was satisfied that he had subsequently taken steps to address his personal problems. The Sub-Committee also considered additional evidence submitted by the driver at the meeting in the form of numerous character references from family, friends and professional organisations.

Resolved:

1. That the application for a Hackney Carriage and Private Hire vehicle driver's licence in respect of YB be refused on the grounds that he was not a fit and proper person to hold such a licence due to his previous driving conviction and his failure to disclose that conviction.
2. That in the case of YB no action be taken to prosecute for failure to declare his

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 FEBRUARY 2015

driving conviction.

3. That consideration of the case in respect of LAK be deferred to the next meeting of the Sub-Committee to allow the applicant the opportunity to attend.
4. That GPW be allowed to retain his Private Hire vehicle drivers licence subject to a severe warning letter being issued regarding future conduct.

Background papers: Exempt

6 HACKNEY CARRIAGE VEHICLE LICENCE

The Sub-Committee was informed of an application that had been received requesting conditions that had previously been attached to an existing vehicle owner's Private Hire and Hackney Carriages vehicle licences be removed.

The Sub-Committee noted the significant improvements in the age of the vehicles owned by APW since the conditions had been attached to his vehicle licences by the Sub-Committee at its meeting on 17th January 2013. Members also noted the results of the vehicle inspection tests since April 2014. The vehicle owner made representation to the Sub-Committee relating to the upgrading of his vehicles and servicing regime. The Sub-Committee acknowledged favourably the steps taken by the vehicle owner to improve the standard of his vehicles. However, it expressed concerns at the potential reoccurrence of maintenance issues should the conditions currently attached to the licence be removed and agreed that should future failings in this regard be brought before the Sub-Committee it was likely that more serious action in regard to the vehicle licences would be taken at that time.

Resolved: That the following conditions attached to the vehicle licences of APW be removed:

1. The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis
2. The licence holder is to implement as a minimum a bi-monthly vehicle safety inspection regime to be undertaken by a qualified motor engineer. Such records to be kept for 2 years.
3. Records of all servicing to be retained for 2 years.
4. All service/inspection records must be legible
5. All records to be produced to enforcement or police officers within 24 hours of the demand being made.

Background papers: Exempt

7 DATE OF NEXT MEETING

To note the date of the next meeting as Tuesday 7th April 2015.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 FEBRUARY
2015**

Chairman

(The meeting ended 12.25 pm)

Any queries regarding these minutes, please contact:
Bernadette Jarvis Senior Democratic Services Advisor
Tel: (01253) 477212
E-mail: bernadette.jarvis@blackpool.gov.uk