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Blackpool Council

21 September 2015

To: Councillors Cox, Hutton, Mitchell, Owen, Robertson BEM, Ryan and L Taylor

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 29 September 2015 at 6.00 pm
in Committee Room A, Town Hall, Blackpool, FY1 1AD

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 MEETING HELD ON 1ST SEPTEMBER 2015

(Pages 1 - 6)

To agree the minutes of the last meeting held on 1st September 2015 as a true and correct record.

3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE APPLICATION PROCESS

(Pages 7 - 10)

The Sub-Committee to consider changes to the application process for Hackney Carriage and Private Hire Drivers Licences.

* **4 HORSE-DRAWN HACKNEY CARRIAGE DRIVERS LICENCE**

(Pages 11 - 26)

(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 HACKNEY CARRIAGE DRIVERS LICENCE**

(Pages 27 - 32)

(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 DATE OF NEXT MEETING

To note the date of the next meeting as Tuesday 27th October 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 Chris Williams, Democratic Services Advisor, Tel: 01253 477153, e-mail: chris.williams@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.

Public Document Pack Agenda Item 2

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 1 SEPTEMBER
2015

Present:

Councillor Hutton (in the Chair)

Councillors

Mitchell Owen
Robertson BEM Singleton

In Attendance:

Sharon Davies, Head of Licensing Service
Bernadette Jarvis, Senior Democratic Governance Adviser
Chris Williams, Democratic Governance Adviser (Minutes)

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 21ST JULY 2015

Resolved: That the minutes of the meeting held on 21st July 2015 be signed by the Chairman as a correct record.

3 TAXI FARES REVIEW FOR 2015 - BLACKPOOL LICENSED TAXI OPERATORS ASSOCIATION SUBMISSION

Mr Frank Landini and Mr Bill Lewtas were in attendance and represented the Blackpool Licensed Taxi Operators Association.

Mr Landini presented the revised Hackney Carriage Tariff proposal for 2015 and explained the reasons for the suggested changes contained within the proposal. He described the changes to the times that certain fare tariffs would be in place as a modest amendment rather than a fare increase. He reported that complications with previous fare tables combined with difficulties in calibrating newly installed vehicle fare-meters had led drivers to ask for a more simplified tariff format.

The Sub-Committee was advised that the main changes to the Tariffs would mean that Tariff One would end at 22:00 between Monday and Thursday. This would in turn mean that the more expensive Tariff Two would come into effect one hour earlier than had been the case with the current Tariff. Mr Landini also described changes to fares over the Christmas and New Year period contained within the proposal. He explained that an extension to the length of time that the more expensive Tariff Three and Tariff Four could be used would ensure that drivers were adequately compensated for working during the Christmas and New Year period. He added that in his opinion, the public already expected to pay more for a taxi during this period.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 1 SEPTEMBER 2015

In response to a question about the proposed changes to the existing tariffs and how Blackpool's fares compared to those in other nearby towns and cities, Mr Lewtas advised that Blackpool fares were roughly average based on Nationwide figures in terms of the cost of hiring a taxi. Mrs Davies offered no comment on Mr Lewtas assertion but added that there was no suitable location in the nearby vicinity of Blackpool with which to make a direct comparison.

The Sub-Committee questioned the wording of a particular line from the newly proposed tariff fare document, which stated 'Some private hire vehicles may charge a different fare.' This was considered to be potentially misleading for customers and Mr Lewtas agreed to a change in the wording to remove the words 'private hire' in the final version of the document.

The Sub-Committee considered the changes to the tariff document layout and decided that the revised format would be simpler to understand and less likely to confuse potential customers.

In relation to the proposed fare/timing changes, the Sub-Committee considered the impact on fare paying passengers and balanced this with a need to maintain competitive pay for drivers, a need to offset rising equipment costs and overcome technological obstacles. The Sub-Committee therefore concluded that a period of advertisement of proposed changes to the Hackney Carriage should be allowed.

Resolved:

1. The Sub-Committee agreed to approve changes to the Hackney Carriage tariff layout, subject to the removal of the words 'private hire' from the document.
2. The Sub-Committee agreed to the advertisement of the proposed amended Hackney Carriage tariff for a consultation period of 14 days.
3. The Sub-Committee agreed to delegate the power to implement changes to the Hackney Carriage Tariff to Sharon Davies, Head of Licensing Services, Blackpool Council, following advertisement and if no objections were received.

4 HORSE-DRAWN HACKNEY CARRIAGE DRIVERS LICENCES

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

Members discussed the referral as follows:

(i) DP – Existing Horse-Drawn Hackney Carriage Driver

Mr Marshall, Licensing Health and Safety Enforcement Manager, and Ms Vicki Cartmell, Higher Court Advocate, who were in attendance during consideration of this case presented it on behalf of the Authority. Mr Ratcliffe, Licensing Officer, was also in attendance.

DP was in attendance at the meeting with legal representation from Cath Johnson and John Blott, Solicitors, Fylde Law. Ms Cartmell informed the Sub-Committee that the driver

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2015**

had requested that his case be deferred to allow additional time to prove there was adequate insurance to carry the number of passengers that were on board at the time the Carriage had been stopped by Mr Marshall on 4th July 2015. Mr Blott, on behalf of the driver was agreeable to this course of action.

The Sub-Committee discussed the status of insurance of the Carriage and whether or not the carriage of seven persons would have invalidated the driver's policy. Without the policy documents, the Sub-Committee decided that it could not fully ascertain whether the driver had acted in accordance with the stipulations outlined in the insurance policy.

After careful consideration, the Sub-Committee agreed that on balance, the Driver should be allowed additional time to provide all necessary documentation relevant to his hearing.

Resolved: The Sub-Committee agreed to defer consideration of the case to its next meeting on 29th September 2015 to allow the driver additional time to provide relevant insurance documentation.

Background papers: Exempt

5 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of two Hackney Carriage driver applications and a Private Hire vehicle driver application that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the applications as follows:

(i) JLM – New Hackney Carriage Driver's Licence Application

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

JLM was in attendance at the meeting and made representations to the Sub-Committee.

The Sub-Committee noted that the driver had been convicted of a speeding offence for exceeding the speed limit in a 50mph zone in March 2015 and had also been given a Police caution for burglary with intent to steal in September 2010. In addition, the driver had failed to declare the Police caution in his application to be licensed.

In response to questions about why he had failed to declare the Police caution for the burglary offence, the driver explained that he had made an error when reading the application form and thought the declaration section only applied to formal arrests and convictions. He added that the additional points he had received for the speeding offence related to non-attendance at Court and were added to the standard number of penalty points issued for the original offence.

The Sub-Committee considered the additional information presented by the driver in relation to the offences and agreed a need to encourage greater responsibility to avoid future instances of dishonesty. The Panel **Page 3** advanced the evidence with the fact that the

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driver had shown remorse in relation to the offences.

Resolved: That the application for a Hackney Carriage Driver's Licence be granted with the addition of a warning letter in relation to future conduct.

(ii) SMB – New Hackney Carriage Driver's Licence Application

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

SMB was not in attendance at the meeting.

Mrs Davies advised the Sub-Committee that the driver may not have had sufficient notice of the meeting.

Resolved: The Sub-Committee agreed to defer the case to its next meeting on 29th September 2015 to allow the driver the opportunity to attend.

(iii) WHRS – New Private Hire Vehicle Drivers Licence Application

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

WHRS was in attendance at the meeting with his partner and made representations to the Sub-Committee.

The Sub-Committee considered the fact that the driver had been convicted of a drink driving offence in December 2013 though it was noted that he had demonstrated remorse in relation to the offence.

In addition to the drink driving offence, the Sub-Committee was advised that the driver had been removed from the Blackpool Borough knowledge examination as part of the application to become a licensed Private Hire Vehicle driver. He had been observed using concealed notes during the test and was removed by the invigilator with his notes confiscated. The driver insisted that the notes had been for revision purposes prior to the test and had not been used during the test.

The Sub-Committee considered the evidence and noted that the driver had been dishonest. They questioned whether the drink driving conviction was also too recent to allow for an application to be granted in any case as the Council required three years to have elapsed following such an offence before consideration of any new licence application. They agreed that there were no exceptional circumstances in this case and concluded that the recency of the drivers drink driving conviction and additional concerns about his dishonest behaviour meant he was not a suitable person to hold a Private Hire Vehicle Driver's Licence.

Resolved: That the application for a Hackney Carriage Driver's Licence be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 1 SEPTEMBER
2015**

6 DATE OF NEXT MEETING

Members noted the date of the next meeting as Tuesday 29th September 2015.

Chairman

(The meeting ended 6.58 pm)

Any queries regarding these minutes, please contact:

Chris Williams, Democratic Services Advisor

Tel: 01253 477153

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	29 th September 2015

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS – APPLICATION PROCESS

1.0 Purpose of the report:

- 1.1 To consider a report on proposed amendments to the process of applying for a Hackney Carriage/Private Hire Drivers Licence.

2.0 Recommendation(s):

- 2.1 To require applicants for a new Hackney Carriage/Private Hire Drivers Licence to undertake safeguarding training before they can be licensed. This training to be delivered as part of the existing knowledge test.
- 2.2 To confirm that the provisions of the Deregulation Act 2015 dealing with length of Hackney Carriage/Private Hire Drivers Licences will be phased in to ensure that the licence renewal date falls at the same time that the Disclosure and Barring Service check is due.

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.

The phasing of the provisions related to the length of Hackney Carriage/Private Hire Drivers Licences to allow the Council to effectively deliver the amendments outlined in this legislation.

- 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:

Not to introduce safeguarding training as it is not desirable due to the responsibility of drivers for transporting vulnerable people.

Not to phase in the implementation of the Deregulation Act 2015 which is not desirable as licences would not be in line with Disclosure and Barring Service checks.

4.0 Council Priority:

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

5.0 Background Information

5.1 The subject of child sexual exploitation has received national publicity over the last few years with some high profile cases in places such as Rochdale, Rotherham and Oxford that have involved licensed drivers. Whilst there is no indication that drivers in Blackpool are involved in organised Child Sexual Exploitation, licensed drivers can be a source of valuable information which would assist the authorities in identifying abusers and those at risk of abuse.

5.2 It is important that licensed drivers receive appropriate training on the subject so they know what to look out for and what to do if they do have concerns. Many authorities across the Country are also requiring their drivers to undertake training. Multi agency meetings have been taking place over the last few months to ensure that a consistent approach to this training is adopted across Lancashire.

5.3 A training package has been developed by Blackpool Safeguarding Children’s Board. This consists of a 30 minute presentation and a short quiz to demonstrate understanding.

5.4 The proposal is that all applicants for a new Hackney Carriage or Private Hire Driver’s Licence will be required to undertake this training package as a pre requisite to licensing. This package will be delivered by members of the licensing team as part of the existing knowledge test. Whilst there is no pass or fail on the quiz, applicants who demonstrate through their answers, a complete lack of understanding or do not complete the quiz at all, will not be considered as a fit and proper person to be licensed. The Sub-Committee is asked to approve the proposals for training of new drivers and make it a pre requisite to being licensed.

5.5 The intention is that existing drivers will be required to undertake the training. The Sub-Committee will be updated on the proposals for this at a later date.

5.6 On 1st October 2015 parts of the Deregulation Act 2015 come into force. One

provision increases the standard length of a Hackney Carriage/Private Hire Drivers' Licence to three years, although the Council retains the ability to grant licensed for a lesser period if appropriate in the individual case.

5.7 Blackpool Council already offers the option of a three year driving licence however to be eligible currently the granting of a three year licence must fall in line with the three year Disclosure and Barring Service cycle.

5.8 It is important that the drivers licensed by this authority are fit and proper persons to be licensed. For this reason it is proposed that three year licences will only be issued to drivers if it falls in with the Disclosure and Barring Service cycle. If a driver for example is due to have a new certificate next year, they would only be issued with a licence for twelve months. The Sub-Committee is asked to approve this proposal.

Does the information submitted include any exempt information?

No

List of Appendices:

None

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant remains a fit and proper person to be licensed and be in line with provisions outlined in the Deregulation Act 2015, the recommendation at 2.2 balances these requirements.

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
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	29 th September 2015

HORSE DRAWN HACKNEY CARRIAGE DRIVERS LICENCE

1.0 Purpose of the report:

1.1 To consider a licence holder 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 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, as the Sub-Committee is required to determine 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 the licence holder remains a fit and proper person to hold a Horse Drawn Hackney Carriage driver's licence , in respect of the following case:

D.P (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 applicant remains 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	29 th September 2015

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 reason 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, as the Sub-Committee is required to determine the applications.

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 Hackney Carriage driver's licence, in respect of the following case:

S.M.B (New)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 5(a).

5.3 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 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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