

# Public Document Pack

## Blackpool Council

16 November 2015

To: Councillors Hutton, Maycock, Mitchell, Owen, Robertson BEM, Singleton and L Taylor

The above members are requested to attend the:

### **PUBLIC PROTECTION SUB-COMMITTEE**

Tuesday, 24 November 2015 at 10am  
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 LAST MEETING HELD ON 27TH OCTOBER 2015** (Pages 1 - 6)

To agree the minutes of the last meeting held on 27<sup>th</sup> October 2015 as a true and correct record.

#### **\* 3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES** (Pages 7 - 64)

(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)

\* **4 REVIEW OF HACKNEY CARRIAGE LICENCE CONDITIONS** (Pages 65 - 70)

(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 19<sup>th</sup> January 2016.

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

# Public Document Pack Agenda Item 2

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 27 OCTOBER  
2015

## **Present:**

Councillor Hutton (in the Chair)

Councillors

Cox	Owen	Ryan	L Taylor
Robertson BEM	Singleton		

## **In Attendance:**

Lennox Beattie, Executive and Regulatory Support Manager  
Sharon Davies, Head of Licensing Service  
Chris Williams, Democratic Services Adviser

## **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

## **2 MINUTES OF THE MEETING HELD ON 29TH SEPTEMBER 2015**

**Resolved:** That the minutes of the meeting held on 29<sup>th</sup> September 2015 be signed by the Chairman as a correct record.

The Chairman cited 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 item 3 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

## **3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES**

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

Members discussed the application as follows:

- i) CBB –Private Hire Driver's Licence Application

Mr Ratcliffe, Licensing Officer was in attendance and presented the case on behalf of the Authority.

CBB was in attendance and provided representations to the Sub-Committee.

The Sub-Committee was informed that the applicant had previous convictions for violent behaviour and drug possession and had failed to declare the latter offence during the

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 27 OCTOBER  
2015**

application process to be licensed.

CBB advised that in relation to the non-declaration of an offence, he had thought the time that had elapsed since the offence meant he would not be required to declare it. The applicant added that both offences had occurred in his youth and accepted he had been immature at the time and made some bad choices.

The Sub-Committee considered the case and agreed that the guidance on the application form to become a licensed Private Hire driver was clear in relation to the declaration of offences and perhaps the applicant had been dishonest. However, Members reasoned that a significant period of time had elapsed since the offences and the applicant had displayed remorse and a level of maturity.

**Resolved:**

1. That the application for a Private Hire vehicle Drivers Licence be granted with the addition of a warning letter in relation to future conduct indicating that in the event of future offences the licence may be suspended or revoked.
2. Not to prosecute the driver for non-disclosure of the conviction during the application to be licensed.

ii) CJB – Existing Hackney Carriage Driver’s Licence

**NOTE:** Councillor Robertson BEM was not in attendance previously but arrived prior to consideration of the case and was involved in the subsequent discussions.

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

CJB was in attendance with the vehicle owner, Frank Garrety and provided representations to the Sub-Committee.

The Chairman agreed that supplementary information provided by the Licensing Enforcement Team would be considered in addition to the information contained within the report. The Sub-Committee was advised of an incident that had led to the arrest of CJB on suspicion of sexual offences. In light of the allegations and in view of the driver previously being brought before the Sub-Committee for a similar offence, the Head of Licensing Service advised that she had chosen to suspend the licence with immediate effect pending the driver’s appearance at the meeting.

CJB described the incident and subsequent arrest and claimed he had been wrongfully accused. He added that there had been insufficient evidence to pursue a conviction.

The Sub Committee noted from the additional information provided by Mr Marshall that ultimately the case had been closed as there had been insufficient evidence to secure a conviction. However, Members were unsatisfied with the driver’s explanation of his actions from the night of the alleged incident and expressed concern about his previous referral for a similar offence and his behaviour whilst transporting a vulnerable passenger.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 27 OCTOBER  
2015**

**Resolved:** That the Hackney Carriage Drivers Licence be revoked with immediate effect in the interests of public safety and on the grounds that the driver was not a fit and proper person to hold such a licence.

iii) ACN – Existing Hackney Carriage Driver’s Licence

ACN was not in attendance at the meeting.

Mrs Davies advised that additional evidence had emerged in relation to the case, which could potentially mean that a different driver had actually operated the Hackney Carriage at the time of the incident. Therefore, Mrs Davies requested that the case be deferred until clarification could be obtained.

**Resolved:** The Sub-Committee agreed to defer consideration of the case until its next meeting on 24<sup>th</sup> November 2015 to allow sufficient time to clarify the identity of the driver of the Hackney Carriage at the time of the incident.

iv) DRH – Existing Hackney Carriage Driver’s Licence

Mr Marshall, Licensing, Health and Safety Enforcement Manager and the Traffic Control Officer who were in attendance during consideration of the case, presented it on behalf of the Authority.

DRH was in attendance and provided representations to the Sub-Committee.

The Sub-Committee noted that the driver had breached a safety cordon that had been erected in the interests of public safety and to aid traffic management during the 2015 Illuminations. The driver had also been carrying a fare paying passenger at the time.

DRH claimed he had thought the signage was in the process of being removed at the time the incident took place and, in his opinion; he had not breached the safety cordon.

The Sub-Committee considered the size and placement of signage and agreed that whilst some signage had begun to be removed at the time the driver had entered the cordon, much of it had still been in place and was clear enough to prevent an experienced driver from entering by mistake.

Members considered whether the driver had been dishonest about his reasons for entering the restricted zone. Despite substantiated claims by the driver that larger barriers had been employed, that made entry to the cordoned area more difficult, it was accepted that those changes were made after the night of the incident and were therefore not a factor for consideration. The Sub-Committee reasoned that whilst possibly some cones had been removed, the driver chose to ignore signage and barriers and by entering into the restricted zone had disregarded measures put in place for the safety of the public.

**Resolved:** That the driver be issued a warning letter in relation to future conduct indicating that in the event of future offences the licence may be suspended or revoked.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 27 OCTOBER  
2015**

v) CB – Existing Private Hire Vehicle Driver’s Licence

**NOTE:** Councillor Cox left the meeting at this point, before consideration of the case and did not take part in any subsequent discussions.

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

CB was not in attendance at the meeting.

Mr Marshall advised the Sub-Committee that previously he had been in contact with the driver and was unsure why he had not been in attendance as he had seemed keen to attend.

**Resolved:** The Sub-Committee agreed to defer consideration of the case until its next meeting on 24<sup>th</sup> November 2015 to allow the driver an additional opportunity to attend and make representations.

vi) PJW – Existing Hackney Carriage and Private Hire Driver’s Licence

The Chairman agreed to hear the case which had been added as a supplementary item for urgent consideration. It was decided to hear the case because of the seriousness of the offence and the fact that the incident had taken place after the initial agenda had been despatched.

Mr Ratcliffe presented the case on behalf of the Authority.

PJW was not in attendance at the meeting.

The Sub-Committee was advised that the driver had been arrested for a drink driving offence. The driver’s actions, in the opinion of the Head of Licensing Service, posed a serious threat to the public given that he had been driving his taxi at the time he was stopped by Police. Therefore, in consultation with the Chairman, it was agreed to suspend PJW’s licence on 20<sup>th</sup> October 2015.

The Sub-Committee reasoned that despite there not being a fare paying passenger on board the taxi at the time the driver had been stopped, his actions were of concern and not in keeping with the standards expected of a licensed driver.

**Resolved:** That the Hackney Carriage and Private Hire Vehicle Drivers Licences be revoked with immediate effect on the grounds that the driver was not a fit and proper person to hold such a licence.

Background papers: exempt

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 27 OCTOBER  
2015**

**4 DATE OF NEXT MEETING**

Members noted that the date of the next meeting would be Tuesday 24<sup>th</sup> November 2015.

**Chairman**

(The meeting ended at 8.05 pm)

Any queries regarding these minutes, please contact:  
Chris Williams, Democratic Services Advisor  
Tel: (01253) 477153  
E-mail: [bernadette.jarvis@blackpool.gov.uk](mailto:bernadette.jarvis@blackpool.gov.uk)

This page is intentionally left blank



<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Service
<b>Date of Meeting</b>	24 <sup>th</sup> November 2015

## HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES

### 1.0 Purpose of the report:

- 1.1 To consider a number of 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 and 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, as the Sub-Committee is required to determine the applications and 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 applicants and licence holders are fit and proper persons to hold Hackney Carriage and Private Hire Vehicle

driver's licences , in respect of the following cases:

C.B (Existing) D.C (Existing), G.D.W (Existing), A.B.J (Existing), J.H (Existing),  
M.K.D (New), C.S.A (New), A.R.B (New), Y.B (New)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 3(a).

5.3 Does the information submitted include any exempt information? Yes

**List of Appendices:**

Appendix 3(a) Details of cases (not for publication)

**6.0 Legal considerations:**

6.1 The Sub-Committee must be satisfied that the applicants and licence holders 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

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB COMMITTEE</b>
<b>Relevant Officer:</b>	Sharon Davies
<b>Date of Meeting</b>	24 <sup>th</sup> November 2015

## REVIEW OF HACKNEY CARRIAGE LICENCE CONDITIONS

### 1.0 Purpose of the report:

- 1.1 To consider whether the conditions currently attached to the referred Hackney Carriage vehicle licence are still reasonably necessary.

### 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 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

### 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 4(a)

Does the information submitted include any exempt information?

Yes

**List of Appendices:**

4(a) Details of case (not for publication)

**6.0 Legal considerations:**

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

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

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank