

# Public Document Pack

# Blackpool Council

15 February 2016

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

The above members are requested to attend the:

## **PUBLIC PROTECTION SUB-COMMITTEE**

Tuesday, 23 February 2016 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 LAST MEETING HELD ON 19 JANUARY 2016** (Pages 1 - 4)

To agree the minutes of the last meeting held on 19 January 2016 as a true and correct record.

#### **\* 3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES** (Pages 5 - 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)

\* **4 HACKNEY CARRIAGE VEHICLE LICENCES**

(Pages 17 - 28)

(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 29<sup>th</sup> March 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 Governance 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, 19 JANUARY  
2016

## **Present:**

Councillor Hutton (Chairman)

Councillors

Cox	Mitchell	Singleton
Maycock	Owen	L Taylor

## **In Attendance:**

Luke Andrews, Licensing Officer  
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 interests on this occasion.

## **2 MINUTES OF THE LAST MEETING HELD ON 24TH NOVEMBER 2015**

**Resolved:** That the minutes of the meeting held on 24<sup>th</sup> November 2015 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 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES**

The Sub-Committee was informed of three existing Hackney Carriage and Private Hire Vehicle drivers and one new Hackney Carriage licence applicant that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application and referrals as follows:

(i) JH – Existing Hackney Carriage Driver

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

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2016**

JH was in attendance with another driver who witnessed the incident. Both provided representations to the Sub-Committee.

Members noted that at the previous meeting it had been agreed to defer consideration of the case to allow the complainant a chance to appear and present his version of events in relation to the incident. The complainant was not in attendance but the Sub-Committee were satisfied he had been notified of the meeting.

The Sub-Committee was advised of the incident in which, the complainant alleged that the driver had been verbally abusive and had acted violently when confronted following an exchange with the complainant's wife, but the Police had decided not to pursue the matter further. The driver described his version of events and alleged that it had been the complainant that had acted aggressively and violently rather than himself. He added that, in his opinion, he had shown restraint and had reacted to extreme provocation.

The Sub-Committee considered the drivers clean track record and the supporting statement made by the other driver, which cast doubt on the complainant's version of events and removed concerns that the driver may have been the aggressor.

**Resolved:**

To take no further action against the driver in relation to the alleged incident.

(ii) MD – Existing Hackney Carriage Driver

Mr Ratcliffe presented the case on behalf of the Authority.

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

The Sub-Committee was advised of an incident in which, it was alleged that the driver had behaved aggressively and driven dangerously whilst operating his taxi and had been involved in an altercation with a member of the public.

The driver claimed that the complainant's version of events contained a number of inaccuracies in relation to the alleged incident. He expressed regret that he had responded after being verbally abused by the complainant and he claimed he previously had footage from his in-car CCTV system that refuted the claims made by the complainant, but added that the recording had been automatically deleted by the system two weeks after the incident.

Members considered the lack of firm evidence that included the deleted CCTV footage and agreed that the driver should not have responded to the verbal attack. However, it was agreed that the driver had demonstrated remorse in relation to the incident and had a long record without any previous cause for concern.

**Resolved:**

1. That a warning letter be issued in relation to future conduct in relation to future conduct indicating that in the event of a further incident, the licence be revoked or suspended.
2. The driver was advised that he should not download or store any video evidence

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obtained in his vehicle should any future incident occur.

(iii) HAK - Existing Private Hire driver

Mr Marshall presented the case on behalf of the Authority.

HAK was in attendance with a representative from the Private Hire operator. Both provided representations to the Sub-Committee.

The Sub-Committee was advised of an incident in which a disabled passenger had been unable to travel in a taxi with a guide dog. The complainant alleged that the driver had refused to take the dog and left them at the side of the road to wait for another taxi.

HAK claimed that the complainant had been part of a large group and two taxis had been dispatched to pick up all members of the group. According to the driver, there had been a breakdown in communication as he had been first to arrive and suggested that the disabled guest and dog be transported in the second vehicle which was larger and more spacious. The Company representative added that all calls relating to the incident had been recorded and were available upon request.

The Sub-Committee considered the drivers response in relation to the incident and agreed that more sensitivity could have been shown towards the needs of the disabled guest. However, Members reasoned that the Company and driver had not violated any procedures in the way it dealt with the complainant. The Sub-Committee acknowledged there had been a breakdown in communication at some point which had compounded the situation.

**Resolved:**

1. That no further action be taken against the driver in relation to the alleged incident.
2. The driver was advised to exercise caution and demonstrate greater sensitivity when dealing with disabled guests in future.

(iv) GPM – New Private Hire drivers licence applicant

Mr Ratcliffe presented the case on behalf of the Authority.

GPM was not in attendance and did not make representations to the Sub-Committee.

Members were informed of an application to be licenced from an applicant with numerous convictions on his DVLA drivers licence for driving related offences, some from as recently as 2015.

**Resolved:**

That the application for a Private Hire Vehicle Drivers Licence be refused on the grounds that the applicant was not a fit and proper person due to his previous conduct being significantly below the standards expected of a licensed driver and because of the nature and recency of his convictions.

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**5 REVIEW OF HACKNEY CARRIAGE LICENCE CONDITIONS**

Members were requested to consider whether a number of conditions that had been imposed on a Hackney Carriage licence were still reasonably necessary.

Members considered the referral as follows.

- (i) APW – Existing Hackney Carriage licence

Mr Ratcliffe presented the case on behalf of the Authority.

APW was in attendance and made representations to the Sub-Committee.

Mr Ratcliffe advised Members that the conditions applied to the Hackney Carriage licence had been transferred from the previous licence holder and the driver had simply inherited them. Since inheriting the licence, both the driver and the vehicle he operated had given no cause for concern to the Licensing Service.

The driver reported that he held a number of other Hackney Carriage and Private Hire Licences and had previously successfully applied to have conditions removed from several of those.

**Resolved:**

That all conditions imposed on the Hackney Carriage driver's licence be removed as they had applied to the previous driver and were not applicable to the current driver.

Background papers: exempt

**6 DATE OF NEXT MEETING**

Members noted that the date of the next meeting would be Tuesday 23<sup>rd</sup> February 2016.

**Chairman**

(The meeting ended 7.14 pm)

Any queries regarding these minutes, please contact:

Chris Williams, Democratic Services Advisor

Tel: 01253 477153

E-mail: [chris.williams@blackpool.gov.uk](mailto:chris.williams@blackpool.gov.uk)

<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>	23 <sup>rd</sup> February 2016

## PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

### 1.0 Purpose of the report:

- 1.1 To consider an applicant 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 application 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 application 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 applicant 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:

G.C.C (New Private Hire and Hackney Carriage applicant), J.M (Existing Hackney Carriage driver), P.U.C (Existing Hackney Carriage driver), M.A.J (Existing Hackney Carriage driver)

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 applicant 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

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<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>	23 <sup>rd</sup> February 2016

## HACKNEY CARRIAGE VEHICLE LICENCES

### 1.0 Purpose of the report:

- 1.1 To consider whether or not the licence holders are fit and proper persons to hold Hackney Carriage vehicle licences.

### 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 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 licence holders are fit and proper persons to hold Hackney Carriage vehicle licences, in respect of the

following cases:

J.N (Existing), S.J.N (Existing), P.D (Existing)

5.2 Matters causing concern and any supporting documents are attached at Appendix 4(a)

5.3 Does the information submitted include any exempt information? Yes

**List of Appendices:**

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

**6.0 Legal considerations:**

6.1 The Sub-Committee must be satisfied that the conditions 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

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