

## **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 JULY 2016**

### **Present:**

Councillor Hutton (in the Chair)

Councillors

Hunter	Mitchell	L Taylor
Maycock	Robertson BEM	

### **In Attendance:**

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 25 MAY 2016**

#### **Resolved:**

That the minutes of the meeting held on 25 May 2016 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 5, 6 and 7 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 APPLICATION TO LICENSE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE**

The Sub-Committee considered an application to license a modified Horse-Drawn Hackney Carriage. During consideration of the application, Members conducted a visual inspection of the Carriage.

The applicant, Mr Simmons was in attendance at the meeting.

## **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 JULY 2016**

Mrs Davies, Head of Licensing Service, informed the Sub-Committee that the carriage on display had been inspected by the Council's Carriage Inspector and he had confirmed that it had met the required standard.

### **Resolved:**

That the application to license a modified Horse-Drawn Hackney Carriage be granted in the case of Mr Simmons.

## **5 HORSE DRAWN HACKNEY CARRIAGE DRIVERS LICENCE**

The Sub-Committee was informed of a new Horse-Drawn Hackney Carriage Driver's Licence applicant that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as follows:

TB – New Application, Horse-Drawn Hackney Carriage Driver's Licence

TB was in attendance with his father and both made representations to the Sub-Committee.

Mark Marshall, Licensing and, Health and Safety Manager, who was in attendance at the meeting, presented the case on behalf of the authority.

The Sub-Committee was advised that the applicant had previously been refused a licence following a conviction for an incident that he had been involved in where he had endangered the public whilst in charge of a horse on a public road.

TB and his father explained that since the incident, the applicant had not been in trouble and had matured somewhat following his last appearance before the Sub-Committee. The applicant added that he simply wanted to get back into working with horses again as soon as possible.

The Sub-Committee considered the applicants clean record since the incident and his desire to return to working with horses. However, Members discussed the recency of the incident and the fact that the applicant did little to convince the Sub-Committee that he had learned from his mistakes, lacking maturity in the responses he provided during questioning. As a result, the Sub-Committee remained unconvinced of a change in the applicant's attitude and how that would affect his ability to deal with fare paying members of the public.

### **Resolved:**

That the application for a Horse-Drawn Hackney Carriage Driver's 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.

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 JULY 2016

Background papers: exempt

### 6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

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

Members discussed the applications and referrals as follows:

(i) DRH – New Private Hire Applicant

DRH was in attendance and made representations to the Sub-Committee

Mr Marshall presented the authorities case.

Members were informed that the applicant had previously been a licensed Private Hire vehicle driver and following an incident that had involved dangerous driving his licence was subsequently suspended and soon after, the driver voluntarily surrendered the licence.

DRH described the period of his life around the time of the incident and admitted to then having issues with drinking. He added that he had sought help in relation to his drinking and had recently received an offer of work should his application be successful.

The Sub-Committee considered that there was little evidence in relation to the incident of reckless driving and reasoned that his demeanour was positive and he had made improvements to his lifestyle.

**Resolved:**

That the licence be granted.

(ii) CM – New Private Hire Applicant

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

Mr Marshall presented the authorities case.

The Sub-Committee was advised of a catalogue of convictions and offences associated with the driver, many of which were especially relevant when considering whether to grant a licence.

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 JULY 2016

CM explained that he regretted the offences and they had been committed during a difficult period in his life. He informed Members that if his application to be licensed was successful he intended to display maturity, a positive attitude and further develop his people skills. Members were shown a number of positive character references from former employers and friends.

The Sub-Committee acknowledged that the applicant had demonstrated a changed attitude and level of maturity. However, members were unconvinced that CM no longer represented a danger to the public given the number, range, nature and recency of his convictions some of which demonstrated a propensity for violence and drink driving.

### **Resolved:**

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

(iii) JLH – New Private Hire Applicant

**NOTE:** Councillor L Taylor joined the meeting at this point.

JLH was in attendance, accompanied by his father and both made representations to the Sub-Committee.

Mr Marshall presented the authorities case.

The Sub-Committee was advised of a number of offences for violent or disorderly conduct that the applicant had been involved in. The large number of criminal convictions had also occurred in a relatively short space of time.

The Sub-Committee considered the representations made by the applicant regarding the circumstances surrounding the incidents and the change in his personal circumstances. JLH advised that he had responsibilities which he took seriously and had embarked on a vocational training course and secured employment in the motor trade.

Despite reassurances from the applicant and his father about changes to his lifestyle and evidence of some maturity on his part, the Sub-Committee expressed concern at the number, recency and seriousness of the offences committed and were not fully convinced the applicant would be able to respond effectively if confronted by a difficult situation involving a fare paying passenger.

**Resolved:** That the application for a Private Hire vehicle driver's licence be refused on the grounds that the applicant was not a fit and proper person due to his previous convictions and the length of time that had elapsed since the last offence.

**NOTE: MOTION MOVED, SECONDED, VOTED UPON AND LOST**

During consideration of the above item, the following motion was moved, seconded, voted upon and lost:

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 JULY 2016

'That the Private Hire vehicle licence be granted with the addition of a severe warning letter, indicating that in the event of further offences suspension or revocation of the licence would be the likely outcome.'

(iv) PTB – Existing Hackney Carriage Driver

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

Mrs Davies informed the Sub-Committee that the driver's case was linked with that of the Hackney Carriage licence holder FPL, also on the agenda at Item 7. She advised Members that PTB had been unable to attend the meeting and would also be unable to attend the August 2016 meeting due to prior engagements.

After careful consideration, the Sub-Committee agreed that on balance it would be better to hear both the driver and the licence holder's cases together at the same hearing.

### **Resolved:**

To defer consideration of the case to the 6 September 2016 meeting to allow the licence holder a further opportunity to attend.

(v) VFWP – Existing Private Hire Driver

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

Mr Marshall and Mr Ian Taylor, Public Protection Officer, who was also in attendance presented the case on behalf of the authority.

The Sub-Committee was informed that the driver's vehicle had been stopped for a routine inspection following intelligence received that suggested serious defects had been observed with it. Mr Taylor circulated a number of photographs that displayed some of the defects. In addition, following a pit-test soon after, a number of additional and serious faults were found with the vehicle and as a result, the Council mechanic issued an immediate suspension notice for the vehicle.

The driver admitted to not spotting the defective tyres but added that, in his opinion, many of the other faults identified during the pit-test would not be obvious upon casual inspection of the vehicle. He also claimed that he had difficult personal circumstances to deal with at the time the faults were found with the vehicle.

The Sub-Committee accepted that some of the defects found during the routine inspection of the vehicle may not be obvious during a driver's cursory vehicle assessment and acknowledged that prior to the incident the driver had given the authority little cause for concern. However, such was the extent and seriousness of some of the major defects, the Sub-Committee reasoned that anyone carrying out even a basic regular inspection would have noticed those defects and attempted to rectify them. In not doing so, Members agreed that the driver had endangered the public and fare paying passengers. The driver's lack of responsibility and basic mechanical knowledge combined with evidence of neglect in relation to his vehicle maintenance regime led the Sub-Committee to take a stern view.

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 JULY 2016

### Resolved:

1. That the Private Hire Vehicle Licence be suspended for a period of 28 days on the grounds that the driver's conduct had fallen short of expected standards, to allow time for reflection and encourage future compliance.
2. That the following conditions be imposed upon the licence:
  - A suitably qualified vehicle mechanic must inspect the vehicle on a fortnightly basis paying particular attention to tyres, lights, brakes and fluids, to ensure the vehicle complied with all legal requirements.
  - Records of all servicing and inspections to be retained with associated receipts for two years.
  - All service and inspection records must be legible and contain vehicle registration and mileage details.
  - All records to be produced to enforcement or police officers within 24 hours of the demand being made.

(vi) PWB – Existing Hackney Carriage Driver

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

Mr Marshall presented the case on behalf of the authority and was accompanied by the witness in relation to the incident described to the Sub-Committee who also made representations.

The Sub-Committee decided to hear the case in the driver's absence.

Mr Marshall described a lengthy history of offences and previous appearances before the Sub-Committee. He added that the driver had previously had his licence revoked on two separate occasions. In addition, The Sub-Committee was informed of a number of serious mechanical defects identified with the vehicle upon inspection in April 2016.

The witness described the incident and drew the Sub-Committee's attention to the driver's aggression, use of abusive language and his overall demeanour in relation to the incident.

The Sub-Committee was very concerned by the extensive history of convictions and lack of evidence of reformation on the part of the driver. The Sub-Committee was equally alarmed by PWB's attitude in relation to the witness at the time of the incident and the poor condition of a vehicle he operated at the time of the routine inspection. Further representations made by Mr Marshall and Mr Taylor suggested that the driver had been difficult to contact for the Council's enforcement team.

### Resolved:

## **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 JULY 2016**

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

(vii) SRB – Existing Hackney Carriage Driver

SRB was in attendance with a colleague and requested that consideration of his case be deferred until the next meeting as he claimed not to have had adequate notice of the hearing and also to allow him to have a legal representative present.

After careful consideration, the Sub-Committee agreed that on balance there was a chance that the driver had not received adequate notification of the hearing.

### **Resolved:**

To defer consideration of the case to the next meeting on 9 August 2016 to allow the driver a further opportunity to attend with a legal representative.

Background papers: exempt

## **7 HACKNEY CARRIAGE VEHICLE LICENCE**

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

Members discussed the referral as follows:

FPL –Existing Hackney Carriage Vehicle Licence holder

Mrs Davies advised the Sub-Committee that the licence holder's case was linked with that of the existing Hackney Carriage driver PTB. She reminded Members that PTB had been

## **MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 12 JULY 2016**

unable to attend the meeting and would also be unable to attend the August 2016 meeting due to prior engagements.

After careful consideration, the Sub-Committee agreed that on balance it would be better to hear the driver and the licence holder's cases together.

### **Resolved:**

To defer consideration of the case to the September 2016 meeting to allow the licence holder a further opportunity to attend.

Background papers: exempt

## **8 DATE OF NEXT MEETING**

Members noted that the date of the next meeting was scheduled for Tuesday 9 August 2016.

### **Chairman**

(The meeting ended 7.42 pm)

Any queries regarding these minutes, please contact:  
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