

# Public Document Pack

## Blackpool Council

4 July 2016

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

The above members are requested to attend the:

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

Tuesday, 12 July 2016 at 5.00 pm  
in Committee Room A, Town Hall, Blackpool

### **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 25 MAY 2016** (Pages 1 - 4)

To agree the minutes of the last meeting held on 25 May 2016 as a true and correct record.

#### **3 APPLICATION TO LICENSE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE** (Pages 5 - 8)

To consider an application to license a modified Horse-Drawn Hackney Carriage.

\* **4 HORSE DRAWN HACKNEY CARRIAGE DRIVERS LICENCE** (Pages 9 - 14)

(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 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES** (Pages 15 - 40)

(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 HACKNEY CARRIAGE VEHICLE LICENCE** (Pages 41 - 48)

(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)

**7 DATE OF NEXT MEETING**

To note the date of the next meeting as 9 August 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 - WEDNESDAY, 25 MAY  
2016

## Present:

Councillor Hutton (in the Chair)

Councillors

Maycock	Robertson BEM	L Taylor
Mitchell	Singleton	

## In Attendance:

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 LAST MEETING HELD ON 29 MARCH 2016

**Resolved:** That the minutes of the meeting held on 29<sup>th</sup> March 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 item 7 on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 12A of the Act.

## 4 APPLICATION TO LICENSE CINDERELLA HORSE-DRAWN HACKNEY CARRIAGES

The Sub-Committee considered four separate applications to license a modified Horse-Drawn Hackney Carriage. During consideration of the applications, Members conducted a visual inspection of the Carriages.

Three of the applicants Mr Savage, Mr Edwards and Mr Davidson were in attendance at the meeting. However Mr Simmons was not in attendance and did not bring his Carriage along for inspection.

Mr Andrews, Licensing Officer, who was in attendance, informed the Sub-Committee that the three Carriages on display had each been inspected by the Council's Carriage Inspector and he had confirmed that they had met the required standard.

## Resolved:

1. That the application to license a modified Horse-Drawn Hackney Carriage be granted in the case of Mr Savage, Mr Edwards and Mr Davidson.

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 25 MAY 2016

2. That consideration of the application to license a modified Horse-Drawn Hackney Carriage in the case of Mr Simmons be deferred until the June 14<sup>th</sup> 2016 meeting to allow the applicant an additional opportunity to attend.

### 5 HORSE-DRAWN HACKNEY CARRIAGE IDENTIFICATION PLATE

The Sub-Committee considered the recommendation from the Head of the Licensing Service to implement a new style Horse-Drawn Hackney Carriage identification plate that would contain more information than the current design and was designed to aid enforcement operations and bring the plates in line with those already in use on motorised taxi vehicles.

Members agreed that the current identification plate was no longer fit for purpose and should be changed to more closely resemble those already in place on motorised taxi vehicles.

#### **Resolved:**

1. To agree the new Horse-Drawn Hackney Carriage identification plate design.
2. That the newly designed identification plate be implemented from 3<sup>rd</sup> June 2016.

### 6 DONKEY DRIVER LICENCE CONDITIONS

The Head of Licensing Service advised the Sub-Committee of a recommendation to change the conditions attached to Donkey Driver licences that would require drivers to wear their badge whilst working on the beach and in a manner that would be plainly visible to members of the public.

The Sub-Committee agreed that in the interest of public safety it was important that such persons be easily identifiable to members of the public and enforcement officers.

**Resolved:** To add a condition to the Donkey Drivers licence that, when working on the beach, licensed donkey drivers shall wear the badge issued to them by the Council in such a position and manner as to be plainly and distinctly visible.

### 7 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

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

Members discussed the referrals as follows:

- (i) SRB – Existing Hackney Carriage Driver's Licence

SRB was not in attendance at the meeting.

Mrs Davies informed Members that the driver had requested that the Sub-Committee defer consideration of the case until he had secured a legal representative to speak on his behalf.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 25 MAY  
2016**

**Resolved:** The Sub-Committee agreed to defer consideration of the case until its next meeting on 14th June 2016 to allow sufficient time for the driver to seek legal representation.

(ii) KNT – Existing Private Hire Vehicle Driver’s Licence

Mr Marshall, Licensing and Health and Safety Enforcement Manager, and Luke Andrews, Licensing Officer who were in attendance presented the case on behalf of the Authority. Also in attendance were Mr Taylor, Public Protection Officer and Ms Brierley, Civil Enforcement Officer who also made representations to the Sub-Committee.

KNT was in attendance at the meeting accompanied by a friend and Mr Charnley, his legal representative. Each made representations to the Sub-Committee.

Mr Marshall described an incident in which a Civil Enforcement Officer had been subject to verbal abuse whilst carrying out her duties and issuing a Penalty Charge Notice to an illegally parked vehicle. Members were informed that Ms Brierley had identified KNT from a series of photographs presented to her by Officers of the Council in a bid to identify the driver responsible for the abuse. In addition, the Sub-Committee was shown body camera footage of the incident recorded by Ms Brierley on which the verbal abuse could clearly be heard though no individual could be easily identified.

Mr Charnley reported that his client had not engaged with the Civil Enforcement Officer as had been claimed and he explained that it had actually been a friend who was also present that had displayed abusive behaviour at the time of the incident.

The Sub-Committee noted the nature of the applicant’s prior convictions and his appearances before them on previous occasions. It was agreed that in relation to the incident, his conduct had not been in line with the expectations of a licensed driver. Members expressed concerns at the nature of the incident, the version of events described in the statement made by the driver’s friend and the lack of supporting evidence to substantiate the driver’s claims. In addition, the Civil Enforcement Officer’s video evidence and long years of service were also taken into account.

**Resolved:** That the Private Hire Vehicle drivers licence be revoked on the grounds that the driver was not a fit and proper person to remain licensed and his conduct had fallen significantly short of the standards expected of a licensed driver.

Background papers: exempt

**8 DATE OF NEXT MEETING**

Members noted that the date of the next meeting was scheduled for Tuesday 14<sup>th</sup> June 2016.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 25 MAY  
2016**

**Chairman**

(The meeting ended at 8.04 pm)

Any queries regarding these minutes, please contact:

Chris Williams, Democratic Governance 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>	12 July 2016

## **APPLICATION TO LICENSE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE**

### **1.0 Purpose of the report:**

1.1 To consider an application to license a modified Horse-Drawn Hackney Carriage

### **2.0 Recommendation(s):**

2.1 The Sub-Committee will be requested to determine whether this carriage is suitable to be licensed as a Horse-Drawn Hackney Carriage.

### **3.0 Reasons for recommendation(s):**

3.1 Licensed Horse-Drawn Hackney Carriages are responsible for transporting passengers. It is important for the protection of the public that only carriages that are suitable and fit for purpose be 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 "The Economy: Maximising growth and opportunity across Blackpool"

### **5.0 Background Information**

5.1 On the 16<sup>th</sup> May 2016, David Kenneth Simmons made an application to license a Cinderella Horse-Drawn Hackney Carriage.

- 5.2 The Sub-Committee decided at its meeting on the 23<sup>rd</sup> September 2010 to permit any style carriage however any carriages that were not of the traditional style were required to be produced before the Sub-Committee for approval.
- 5.3 Since the 21<sup>st</sup> October 2010 up until the 25<sup>th</sup> May 2016 the Public Protection Sub-Committee has licensed 20 non-traditional style Horse-Drawn Hackney Carriages.
- 5.4 At the time of writing this report the carriage has not been inspected but is due to be inspected by the Council's approved inspector prior to this meeting.
- 5.5 The applicant has been invited to attend the meeting and bring the carriage for inspection by the Sub-Committee.
- 5.6 Does the information submitted include any exempt information? No

**6.0 Legal considerations:**

- 6.1 The Head of Licensing Service will be represented to advise the Sub-Committee

**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>	12 July 2016

## HORSE-DRAWN 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 reasons 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 application.

### 4.0 Council Priority:

4.1 The relevant Council Priority is "The Economy: Maximising growth and opportunity across Blackpool"

### 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 Horse-Drawn Hackney Carriage driver's licence , in respect of

the following case:

T.B (New Application)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

5.5 Appendix 4(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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<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>	12 July 2016

## PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

### 1.0 Purpose of the report:

- 1.1 To consider 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 application and referrals

### 4.0 Council Priority:

- 4.1 The relevant Council Priority is "The Economy: Maximising growth and opportunity across Blackpool"

### 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:

- D.R.H (New Private Hire driver)
- C.M (New Private Hire driver)
- J.L.H (New Private Hire driver)
- P.T.B (Existing Hackney Carriage driver)
- V.F.W.P (Existing Private Hire driver)
- S.R.B (Existing Hackney Carriage driver)
- P.W.B (Existing Hackney Carriage driver)

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

5.4 **List of Appendices:**

5.5 Appendix 5(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

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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>	12 July 2016

## HACKNEY CARRIAGE VEHICLE LICENCES

### 1.0 Purpose of the report:

1.1 To consider whether or not the licence holder is a fit and proper person to hold Hackney Carriage vehicle licences.

### 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 licence holder is a fit and proper person to hold Hackney Carriage vehicle licences, in respect of the

following case:

F.P.L (Existing Hackney Carriage Vehicle Licence holder)

5.2 Matters causing concern and any supporting documents are attached at Appendix 6(a)

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

5.5 Appendix 6(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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