

# Public Document Pack

# Blackpool Council

1 August 2016

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, 9 August 2016 at 6.00 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 MEETING HELD ON 12 JULY 2016** (Pages 1 - 8)

To agree the minutes of the last meeting held on 12 July 2016 as a true and correct record.

#### **\* 3 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES** (Pages 9 - 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)

#### **4 DATE OF NEXT MEETING**

To note the date of the next meeting as Tuesday 6 September 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).

### **Present:**

Councillor Hutton (in the Chair)

Councillors

Hunter	Mitchell	L Taylor
Maycock	Robertson BEM	

### **In Attendance:**

Mrs Sharon Davies, Head of Licensing Service  
Mr 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.

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.

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:

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

### (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.

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.

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

(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:

'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.

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

### 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.

### 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.

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

- 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:**

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.



## **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 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 at 7.42 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)

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<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Mrs Sharon Davies, Head of Licensing Service
<b>Date of Meeting</b>	9 August 2016

## PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER 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 applications 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:

- S.E.B (Existing Hackney Carriage Driver)
- S.R.B (Existing Hackney Carriage Driver)
- M.M.H (New Private Hire Driver applicant)
- M.A.C (New Private Hire Driver applicant)
- A.E (New Hackney Carriage and Private Hire Driver applicant)

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

5.4 **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

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