

Blackpool Council

17 May 2016

To: Councillors Hutton, Maycock, Mitchell, Owen, Robertson BEM, Singleton and L Taylor
(subject to the approval of Licensing Committee)

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 25 May 2016 at 6.30 pm (or on the rising of the Licensing Committee
meeting whichever is latest)
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 29 MARCH 2016

(Pages 1 - 8)

To agree the minutes of the last meeting held on 29 March 2016 as a true and correct record.

3 APPLICATION TO LICENSE CINDERELLA HORSE-DRAWN HACKNEY CARRIAGES (Pages 9 - 12)

To consider four applications to license a modified Horse-Drawn Hackney Carriage.

4 HORSE-DRAWN HACKNEY CARRIAGE IDENTIFICATION PLATE (Pages 13 - 18)

To consider proposal to change the identification plate on Horse-Drawn Hackney Carriages.

5 DONKEY DRIVER LICENCE CONDITIONS (Pages 19 - 22)

To consider a proposal to add an additional condition to Donkey Driver Licences.

*** 6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES (Pages 23 - 38)**

(This item contains personal information regarding 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 14 June 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 Adviser, Tel: 01253 477153, e-mail 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.

Agenda Item 2

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 29 MARCH 2016

Present:

Councillor Hutton (in the Chair)

Councillors

Maycock	Ryan	L Taylor
Robertson BEM	Singleton	

In Attendance:

Mrs Sharon Davies, Head of Licensing Service
Mr Chris Williams, Democratic Services Adviser

Apologies:

No apologies for absence were received.

1 DECLARATIONS OF INTEREST

There were no declarations of interests on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 23 FEBRUARY 2016

Resolved: That the minutes of the meeting held on 23rd February 2016 be signed by the Chairman as a correct record subject to a change on page 1, Item 4, paragraph four to remove the words 'during consideration of the case'.

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, 4 and 5 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 Private Hire and Hackney Carriage Driver licence applicant that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 29 MARCH
2016**

Members discussed the application and referrals as follows:

(i) MTK – New Private Hire and Hackney Carriage applicant

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

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

Mr Andrews described a list of offences from a period of over twenty years, some of which had involved dishonesty and deception.

The driver explained that following a number of personal, family tragedies and a prison sentence he endured after his last offence in 2011, he was determined to change the direction of his life with steady employment prospects.

The Sub-Committee expressed concern at the nature and number of the driver's previous convictions. However, members balanced that the convictions were historical and he had not reoffended following a custodial sentence. The driver also demonstrated remorse in relation to the offences.

Resolved:

That the licence be granted.

(ii) KG – Existing Private Hire Vehicle Driver

Mr Mark Marshall, Licensing/Health and Safety Enforcement Manager, who was in attendance, presented the case on behalf of the Authority. Mr Ian Taylor, Public Protection Officer, was also in attendance to answer specific questions related to the case.

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

Mr Marshall described a situation in which a vehicle driven by KG had been stopped during a routine joint inspection by the local authority and Vehicle and Operator Services Agency (VOSA). The inspection discovered a number of significant defects that had resulted in a PG9 prohibition notice being issued to remove the vehicle from the road in the interests of public safety.

The driver advised that some of the faults had been intermittent in nature and not obvious upon casual inspection. He added that a health issue had prevented him from inspecting the vehicle more thoroughly around the time the prohibition notice had been issued.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 29 MARCH
2016**

The Sub-Committee considered the driver's claims about his health around the time of the incident and the intermittent faults. However, members reasoned that the specific defects identified by the inspection were very serious and some would have been obvious to even a casual observer and should have been rectified much sooner. In addition, inconsistencies in the driver's version of events, combined with a seemingly vague and irregular maintenance regime brought the driver's conduct further into question.

Resolved:

That the Private Hire Vehicle Driver's Licence be suspended for a period of 14 days on the grounds that the driver's conduct had fallen short of expected standards, to allow time for reflection and encourage future compliance.

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 Driver should receive a severe warning letter, indicating that in the event of further offences suspension or revocation of the licence would be the likely outcome, for allowing a vehicle he had operated to be used in a condition that presented a serious risk to public safety.'

(iii) SRB – Existing Hackney Carriage Driver

SRB was not in attendance at the meeting. The Head of Licensing Service advised that during a telephone conversation prior to the meeting, the driver had requested the Sub-Committee defer consideration of his case as he stated he had not received advance notification of the Sub-Committee meeting.

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 to allow the driver a further opportunity to attend.

(iv) GJP – Existing Hackney Carriage and Private Hire Vehicle driver

Mr Marshall, Licensing/Health and Safety Enforcement Manager, presented the case on behalf of the Authority.

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

Mr Marshall, with approval from the Chairman, circulated additional information in the form of two witness statements in relation to two separate incidents where it had been alleged that the driver had caused a collision and fled the scene. In addition to reckless behaviour, the driver had failed to declare a number of motoring offences.

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GJP explained that he had been unaware of one of the collisions and whilst he knew about the second collision and accepted culpability, he had not checked the vehicle he collided with for signs of damage before leaving the scene. In relation to the non-declaration of penalty points on his driver's licence, GJP advised that he had no knowledge of the points until he had been refused vehicle insurance. He added that following the sale of a vehicle, he believed the new owner had failed to inform the Driver and Vehicle Licensing Agency (DVLA) of a change of ownership and accrued penalty points that had been subsequently endorsed on GJP's licence in error.

The Sub-Committee expressed serious concerns about the conduct of the driver in relation to the two collisions and the fact that he had fled the scene on both occasions. Furthermore, despite the driver's attempts to explain the penalty points, he had demonstrated dishonesty by failing to declare those points.

Resolved:

That the Hackney Carriage and Private Hire Vehicle Drivers Licences 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.

Background papers: exempt

5 HACKNEY CARRIAGE VEHICLE LICENCE

The Sub-Committee was informed of an existing Hackney Carriage and Private Hire 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:

(i) APW – Existing Hackney Carriage and Private Hire Vehicle Proprietor

Mr Marshall, Licensing/Health and Safety Enforcement Manager, presented the case on behalf of the Authority. Mr Ian Taylor, Public Protection Officer, was also in attendance to answer specific questions related to the case.

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

Mr Marshall described a situation in which a vehicle operated by APW had been stopped during a routine joint inspection by the local authority and Vehicle and Operator Services Agency (VOSA). The inspection uncovered a number of significant defects that had resulted in a PG9 prohibition notice being issued to remove the vehicle from the road in the interests of public safety. In addition, the proprietor had been before the Sub-Committee previously to request conditions related to poor maintenance be removed from another of his licences.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 29 MARCH
2016**

APW advised that he kept a log book for all his vehicles, which documented defects and remedial maintenance work and contained evidence of regular checks by drivers but not by himself. He added that his drivers had been issued with tyre depth gauges to ensure that their vehicles had tyres fitted with tread depths within the legal limit.

The Sub-Committee considered APW's claims about the comprehensive vehicle checking system he operated. However, members reasoned that at least two of the defects were very obvious to even a casual observer and should have been rectified much sooner. In addition, the Sub-Committee had concerns about irregular and less than comprehensive maintenance and a lack of documented evidence and knowledge of legal requirements in relation to tyre tread depth limits.

Resolved:

1. That the Private Hire Vehicle Licence be suspended for a period of 14 days on the grounds that the drivers 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 weekly basis paying particular attention to tyres, lights and fluids, to ensure the vehicle complies with all legal requirements.
 - The licence holder is to implement as a minimum a monthly vehicle safety inspection regime to be undertaken by a qualified vehicle mechanic. Such records to be kept for two years.
 - 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 details.
 - All records to be produced to enforcement or police officers within 24 hours of the demand being made.

Background papers: exempt

6 DONKEY DRIVER LICENCE

The Sub-Committee was informed of an application for a Donkey Driver's Licence that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as follows:

PG – New Donkey Driver applicant

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

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

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 29 MARCH
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The Sub-Committee was advised by Mr Andrews that the applicant had previously been refused an application to be licensed after an incident in which a child had been injured on a donkey left in his charge.

PG admitted that in relation to the incident, he had made a mistake and he intended to take steps to avoid such an incident from happening again. He added that in his opinion, he had given no other cause for concern over many years of service.

The Sub-Committee considered the case and noted that should the decision be taken to grant the licence, the applicant should be reminded of his responsibility to ensure the licence would be kept up to date and not to allow any unlicensed persons to be left in charge of his donkeys. The Sub-Committee agreed that despite a lapse in standards at the time of the incident, the applicant had shown remorse and demonstrated an awareness of how to avoid making similar mistakes in the future.

Resolved:

That the licence be granted.

Background papers: exempt

7 APPLICATION FOR A STREET COLLECTION PERMIT

The Sub-Committee considered the allocation of street collections for 2016-2017 and the applications received both from the approved Council list and other applications.

The Sub-Committee considered the submitted application forms, the report of the Head of Licensing Service and the Council's policy on Street Collections.

Resolved:

1. To authorise the grant of a permit under the street collection regulations to cover the public collections made via the collection booths during the period of the illuminations and to permit the sale to the public a brochure on the evening of the Switch-on of the 2016 illuminations.
2. To approve street collection permits for the following organisations from the approved list within the forthcoming 12 month period:
 - RSPCA
 - Trinity Hospice
 - Blackpool RNLI
 - The Salvation Army

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2016**

3. To approve the following individual applications for street collections in the following year:
- **Cancer Research:** an application from the national charity for a permit to collect on 21st October 2016.
 - **Stephen Pierre (the Gelleonairs Band):** an application for a local band to collect for the benefit of Trinity Hospice on various dates.
 - **Futuresense Foundation:** an application from an international charity for a permit to make collections in the Town Centre on 9th April 2016.
 - **Marie Curie:** an application from a national charity for a permit to collect on 2nd April 2016.
 - **Whitaker Dance and Drama Centre.** A local dance centre applied for a permit to make a charitable collection on behalf of Marie Curie on 16th April 2016.
4. The Sub-Committee considered an application for a street collection from the Penny Appeal, a charity which works on projects in 30 crisis hit countries. It agreed in principal that the charity was a suitable organisation to be granted a street collection permit but that the date selected of 26th June was unsuitable due to a clash with Armed Forces Week.

The Sub-Committee therefore agreed to delegate to the Head of Licensing Service to grant the application subject to a suitable alternative date being submitted.

8 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 14 June 2016.

Chairman

(The meeting ended at 8.33 pm)

Any queries regarding these minutes, please contact:
Chris Williams, Democratic Governance Adviser
Tel: 01253 477153
E-mail: chris.williams@blackpool.gov.uk

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Report to:	PUBLIC PROTECTION SUB COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting:	25 May 2016

APPLICATIONS TO LICENSE CINDERELLA HORSE-DRAWN HACKNEY CARRIAGES

1.0 Purpose of the report:

1.1 To consider four applications to license modified Horse-Drawn Hackney Carriages.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine whether the carriages are 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 to 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 Three applications have been received to license Horse-Drawn Hackney Carriages that are not of the traditional style.

5.2 On the 25 March 2016, Paul Savage made an application to license a Cinderella Horse-Drawn Hackney Carriage.

5.3 On the 11 April 2016, Mr Gary Edwards made an application to license a Cinderella Horse-Drawn Hackney Carriage.

5.4 On the 14 April 2016, Joseph Davidson made an application to license a Cinderella Horse-Drawn Hackney Carriage.

5.5 On the 16 May 2016, Kristopher Simmons made an application to license a Cinderella Horse-Drawn Hackney Carriage.

5.6 The Sub-Committee decided at its meeting on the 23 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.

5.7 Since the 21 October 2010 up until the 21 July 2015 the Public Protection Sub-Committee has licensed 17 non-traditional style Horse-Drawn Hackney Carriages.

5.8 At the time of writing this report the carriages have not been inspected but are due to be inspected by the Council's approved inspector prior to the meeting. A verbal update on the results of the inspection will be provided to the Sub-Committee.

5.9 The applicant has been invited to attend the meeting and bring the carriage for inspection by the Sub-Committee

5.10 Does the information submitted include any exempt information? No

5.11 List of Appendices:

None

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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Report to:	PUBLIC PROTECTION SUB COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting:	25 May 2016

HORSE-DRAWN HACKNEY CARRIAGE IDENTIFICATION PLATE

1.0 Purpose of the report:

1.1 To consider the proposal of the Licensing Service to implement a new style identification plate on all Horse-Drawn Hackney Carriages.

2.0 Recommendation(s):

2.1 To agree the new Horse-Drawn Hackney Carriage identification plate in the style as attached at Appendix 4 (a).

2.2 To agree that this identification plate be implemented from 3 June 2016.

3.0 Reasons for recommendation(s):

3.1 Issues with the current Horse-Drawn Hackney Carriage identification plate have been identified by the Licensing Service. A new style of identification plate has therefore been proposed, which will contain more information to aid enforcement officers and to bring them in line with the style of plate already used on motorised Hackney Carriage vehicles. The proposed 2016 Horse-Drawn Hackney Carriage identification plate proof is attached at Appendix 4 (a)

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 The Licensing Service has identified the need to update the current identification plates used on Horse-Drawn Hackney Carriages. It is the opinion of the enforcement authorities that given that the current identification plates have been used since the early 1990’s, they are no longer fit for purpose. It is therefore proposed that the identification plates be changed in the interests of providing more information to enforcement officers and to a similar style as those used to identify motorised Hackney Carriage vehicles. The proposed 2016 Horse-Drawn Hackney Carriage identification plate proof is attached at Appendix 4 (a)

5.2 A proof of the new 2016 plate is attached at Appendix 4 (a); the new plate contains more information than the existing version. In addition to the identifying number, it includes the carriage type, expiry date and the number of passengers it is permitted to carry.

5.3 The Licensing Service has consulted with the secretary of the Landau Association on the new plates and there were no concerns noted.

5.4 Does the information submitted include any exempt information? No

5.5 List of Appendices:

Appendix 4(a): 2016 Updated Horse-Drawn Hackney Carriage identification plate (proof).

6.0 Legal considerations:

6.1 None

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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Blackpool Council

HORSE DRAWN HACKNEY CARRIAGE

CARRIAGE TYPE:

EXPIRY DATE:

LICENSED TO CARRY:

Blackpool Council

VOID

THIS PLATE BELONGS TO BLACKPOOL COUNCIL

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Report to:	PUBLIC PROTECTION SUB COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting:	25 May 2016

DONKEY DRIVER LICENCE CONDITIONS

1.0 Purpose of the report:

1.1 To consider the conditions attached to a Donkey Driver Licence

2.0 Recommendation(s):

2.1 To add a condition to the 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.

3.0 Reasons for recommendation(s):

3.1 It is important that such persons are easily identifiable as being licensed by the Council both by members of the public and enforcement officers.

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:

To not add such a condition to the licence for Donkey Drivers which will continue to cause the enforcement problems outlined in Paragraph 5.2.

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 As part of the licensing process successful applicants for a Donkey Driver Licence are issued with both a paper licence and a credit card sized identification badge

containing the licensed person's photograph.

5.2 Currently there is no condition on the licence requiring drivers to wear their badge when working on the beach. This has over the last twelve months caused problems for members of the enforcement team trying to establish the licence status of individuals found to be working with donkeys on the beach.

5.3 The Sub-Committee are asked to consider adding the following condition to donkey driver licences:

5.4 "The licence holder when working with donkeys on the beach shall wear a current and valid badge issued to them by Blackpool Council identifying them as a licensed donkey driver in such a position and manner as to be plainly and distinctly visible."

5.5 Does the information submitted include any exempt information? Yes

5.6 **List of Appendices:**
None

6.0 Legal considerations:

6.1 The Head of Licensing Services 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	25 th May 2016

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

1.1 To consider a 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 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 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:

S.R.B (Existing Hackney Carriage Driver), K.N.T (Existing Private Vehicle Driver)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 6(a) and 6(b).

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

Appendix 6(a) Details of case S.R.B(not for publication)

Appendix 6(b) Details of case K.N.T (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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