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Blackpool Council

23 September 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, 4 October 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 LAST MEETING HELD ON 6 SEPTEMBER 2016 (Pages 1 - 8)

To agree the minutes of the last meeting held on 6 September 2016 as a true and correct record.

*** 3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES** (Pages 9 - 28)

To consider an applicant and licence holders who have been convicted of offences or who have otherwise given reasons for concern.

(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 PRIVATE HIRE VEHICLE LICENCE** (Pages 29 - 32)

To consider whether or not a licence holder is a fit and proper persons to hold a Private Hire Vehicle Licence.

(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)

* **5 DONKEY DRIVERS LICENCE** (Pages 33 - 38)

To consider an applicant who has been convicted of offences or who has otherwise given reasons for concern.

(This item contains personal information regarding an applicant which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

6 DATE OF NEXT MEETING

To note the date of the next meeting as:

8 November 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 Lennox Beattie, Executive and Regulatory Manager, Tel: (01253) 477212157, e-mail lennox.beattie@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.

Public Document Pack Agenda Item 2

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 SEPTEMBER
2016

Present:

Councillor Hutton (in the Chair)

Councillors

Maycock

Mitchell

Robertson BEM

In Attendance:

Mrs 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 9 AUGUST 2016

Resolved:

That the minutes of the meeting held on 9 August 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 decision referred to at Agenda items 5 and 6 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 ANIMAL BOARDING ESTABLISHMENT LICENCE CONDITIONS

Mrs Sharon Davies, Head of Licensing Service, reported that a request for further consultation had been received from animal boarding establishment proprietors regarding the proposed changes to the Animal Boarding Establishment Licence conditions.

As a result, Mrs Davies requested that the item be deferred to a future meeting following a further period of consultation.

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Resolved:

To defer consideration of the Animal Boarding Establishment Licence standard conditions item to a future meeting to allow further consultation to take place with establishment proprietors.

5 REVIEW OF HORSE DRAWN HACKNEY CARRIAGE FARE STRUCTURE

Mrs Davies advised the Sub-Committee that a change to the existing Horse-Drawn Hackney Carriage Fare Structure had been proposed after a number of representations had been received from Horse-Drawn Hackney Carriage drivers and members of the public, which suggested the current tariff was difficult to understand. The Licensing Service, in consultation with the licensed trade had therefore proposed a revised fare structure contained at Appendix 4(a) of the Agenda Item report.

The Sub-Committee considered the proposed changes to the existing fare tariff and associated price increases. Members reasoned that the changes would ensure that the tariff was easier to understand and agreed that the proposed increases were fair and would ensure costs associated with the upkeep of Horse-Drawn Hackney Carriages remained affordable.

Mrs Davies added that a section had been omitted from the revised tariff at Appendix 4(a) of the Agenda Item report. The missing information from the night-time tariff related to the cost of carriage for subsequent periods of 15 minutes following the initial period of 15 minutes.

Resolved:

To approve the changes to the maximum fares that may be charged by Horse-Drawn Hackney Carriages as detailed in Appendix 4(a) and to authorise the advertising of the proposed new tariff. (the new fare structure is outlined below)

Horse Drawn Hackney Carriage Fares from September 2016

Daytime Tariff - applies at all times except when the Illuminations are switched on

Up to 15 minutes or part thereof	£20.00 for up to 4 people £ 2.50 per extra person up to maximum of 6
Each subsequent 15 minutes or part thereof	£25.00 for up to 4 people £ 2.50 per extra person up to maximum of 6

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Night- time Tariff – only applies from when the Illuminations are switched on

Up to 15 minutes or part thereof	£25.00 for up to 4 people £ 2.50 per extra person up to maximum of 6
Each subsequent 15 minutes or part thereof	£30.00 for up to 6 people

6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of a number of existing Hackney Carriage 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) PTB – Existing Hackney Carriage Driver

PTB was in attendance with a legal representative, Mr Sarangi and both made representations to the Sub-Committee.

Mr Mark Marshall, Licensing and, Health and Safety Manager, who was in attendance with Mr Ian Taylor, Public Protection Officer presented the case on behalf of the Authority.

Mr Salthouse, Vehicle Mechanic, Blackpool Council, was also in attendance and provided additional commentary on behalf of the Authority.

Mr Marshall outlined a series of defects found with the driver's vehicle during the course of a routine four monthly inspection at Layton Depot Central Vehicle Maintenance Unit (CVMU). It was noted that regular maintenance by the driver should have picked up some of the identified faults and some would have been obvious upon casual inspection and through the course of regular driving of the vehicle.

Mr Sarangi reported that following the inspection the vehicle defects had been rectified and the vehicle later passed the pit test the same day. He added that prior to that test; the garage routinely used by the driver for maintenance had been unable to inspect the vehicle prior to the pit test. The Sub-Committee noted that the vehicle had developed few faults prior to that particular pit test and accepted that there had possibly been a breakdown in communication between the driver and the licence holder regarding the maintenance schedule for the vehicle. Members also noted the driver's difficult family circumstances around the time the vehicle failed the pit test.

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.

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However, members agreed that the number and seriousness of the defects gave cause for concern. The Sub-Committee also suggested that the driver should liaise regularly with the vehicle licence holder to ensure adherence to the conditions imposed on the Hackney Carriage Vehicle Licence.

Resolved:

That the Hackney Carriage 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.

(ii) MJM - Existing Hackney Carriage Driver

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

Mr Marshall presented the case on behalf of the Authority.

The Sub-Committee was informed of a drugs related offence that had involved the driver, which called into question his suitability as a licensed driver.

When questioned, the driver admitted assisting in the cultivating a banned substance for a financial consideration. He added that he had no prior convictions, had been vulnerable at the time of the incident and later regretted his involvement.

The Sub-Committee expressed concerns at the nature and recent nature of the offence. Members acknowledged the drivers unfortunate personal circumstances at the time of the incident but reasoned that this did not excuse his behaviour.

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 due to the nature and recent nature of his offences.

(iii) SEB - Existing Hackney Carriage Driver

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

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

The Sub-Committee was informed that during the course of a routine Disclosure and Barring Service check, it emerged that the driver had a number of recent convictions that he had failed to declare when attempting to renew his application with the Licensing Service.

The driver described a series of challenging personal circumstances he had to deal with at the time of the application and added that he assumed the section of the application related to previous convictions did not apply to him.

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Members expressed concern at the recent nature of the offences and the driver's failure to declare them. However, they accepted that perhaps he had simply been ignorant about the requirements for disclosure on his application.

Resolved:

1. To not prosecute the driver for non-disclosure of the offences on his application to be licensed.
2. To issue the driver with a warning letter in relation to his conduct indicating that if he was brought before the Sub-Committee again in the future, suspension or revocation of the licence would be the likely outcome.

(iv) MAH – New Hackney Carriage Driver Applicant.

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

Mr Ratcliffe presented the case on behalf of the Authority. He advised that he had received some late information relating to a recent conviction involving the applicant not included in the agenda. Members agreed to consider the additional information and include it in their subsequent discussions. The applicant was also in agreement that his case be heard in full.

Members were informed of the applicant's extensive list of prior historical convictions for a wide range of offences, some that had involved violence.

The applicant described mistakes he had made in the past and admitted he had been naive and the victim of unfortunate circumstances such as regular unemployment. He added that he had received an offer of work should his application be successful.

The Sub-Committee noted that the applicant had not had any convictions since 2003 prior to the most recent offence. However, Members expressed concern at the number and nature of some of the offences and the fact that the applicant had not informed the Licensing Service of the most recent offence.

Resolved:

That the application for a Hackney Carriage Driver's Licence be refused on the grounds that the applicant was not a fit and proper person due to his conduct falling well below the standards expected of a licensed driver.

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(v) JDS - New Hackney Carriage Driver Applicant.

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

Mr Ratcliffe advised that he had not received any notification of the applicant's intention to be present at the meeting.

Members agreed to hear the case in his absence.

Mr Ratcliffe presented the case on behalf of the Authority.

Members were informed of the applicant's extensive list of prior historical convictions for a wide range of offences some involving dishonesty. In addition, he had previously been before the Sub-Committee on a number of occasions.

Resolved:

That the application for a Hackney Carriage Driver's Licence be refused on the grounds that the applicant was not a fit and proper person due to the number and nature of his offences and his conduct falling well below the standards expected of a licensed driver.

(vi) KPD - New Private Hire Vehicle Driver Applicant.

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

Mr Ratcliffe advised that he had not received any notification of the applicant's intention to be present at the meeting.

Members agreed to hear the case in his absence.

The Sub-Committee was advised that the applicant had failed to declare a number of convictions on his application to be licensed. In addition, Members were concerned at the nature and recent nature of the applicant's offences.

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 the nature and recent nature of his offences.

Background papers: exempt

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7 HACKNEY CARRIAGE VEHICLE LICENCES

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

FPL was in attendance with her daughter and both made representations to the Sub-Committee.

Mr Marshall presented the case on behalf of the Authority. He reported that a series of defects had been found with the plate holder's vehicle during the course of a routine four monthly inspection at Layton Depot Central Vehicle Maintenance Unit (CVMU). It was noted that regular maintenance as prescribed in the conditions attached to the licence should have picked up some of those identified faults and some would have been obvious upon casual inspection and through the course of regular driving of the vehicle.

FPL's daughter claimed that both she and her mother had a good relationship with the driver and had maintenance records for the vehicle. She added that she thought a letter had been sent to the driver upon his commencement of employment detailing the various conditions imposed on the licence.

Members questioned the licence holder's lack of regular maintenance documentation and considered her admission that weekly inspections had not been carried out on the vehicle resulting in serious defects being discovered during the course of a routine inspection. In addition, when questioned, the licence holder seemed to lack basic knowledge of her responsibilities in relation to the licence conditions.

Resolved:

That the Hackney Carriage Vehicle Licence be revoked on the grounds that the licence holder was not a fit and proper person to hold such a licence, for allowing a vehicle she owned the vehicle licence for to be used in a condition that presented a serious risk to public safety.

Background papers: exempt

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 SEPTEMBER
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8 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 4 October 2016.

Chairman

(The meeting ended at 8.42 pm)

Any queries regarding these minutes, please contact:
Chris Williams, Democratic Services Advisor
Tel: (01253) 477153
Email: chris.williams@blackpool.gov.uk

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	4 October 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 "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:

H.M (Existing), G.I.J (Existing), W.T.M (New)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 3 (a), 3(b) and 3(c).

5.3 Does the information submitted include any exempt information? Yes

5.4 List of Appendices:

Appendix 3(a) Details of case H.M (not for publication)
Appendix 3(b) Details of case G.I.J (not for publication)
Appendix 3(c) Details of case W.T.M (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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	4 October 2016

PRIVATE HIRE VEHICLE LICENCE

1.0 Purpose of the report:

- 1.1 To consider whether or not a licence holder is a fit and proper person to hold a Private Hire Vehicle Driver's Licence.

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, as the Sub-Committee is required to determine the referral.

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 licence holder is a fit and proper person to hold a Private Hire Vehicle Driver’s Licence, in respect of the following case:

G.I.J (Existing)

5.2 Matters causing concern and any supporting documents are attached already attached to this agenda at Appendix 3(b)

5.3 Does the information submitted include any exempt information? Yes

5.4 List of Appendices:

Attached at Appendix 3(b) Details of case G.I.J

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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	4 October 2016

DONKEY 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 an applicants is a fit and proper person to hold a Donkey driver’s licence , in respect of the following cases:

A.S.L (New)

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:

Appendix5(a) Details of case A.S.L. (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that applicants 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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