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Blackpool Council

10 February 2017

To: Councillors Collett, Cox, Hobson, Humphreys, Hutton, Robertson BEM and Singleton

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 21 February 2017 at 6.00 pm
in Committee Room B, 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 24 JANUARY 2017 (Pages 1 - 4)

To agree the minutes of the last meeting held on 24 January 2017 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 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE**

(Pages 9 - 22)

(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 DATE OF NEXT MEETING

To note the date of the next meeting as 21 March 2017.

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.

Present:

Councillor Hutton (in the Chair)

Councillors

Collett	Hobson	Robertson BEM
Cox	Humphreys	Singleton

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 6 DECEMBER 2016

Resolved:

That the minutes of the meeting held on 6 December 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 item 4 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 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee was informed of Hackney Carriage and Private Hire Vehicle Driver Licence applicants who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as follows:

- (i) JB - New Private Hire Vehicle Driver Applicant

JB was in attendance and advised the Sub-Committee that the offence referred to in the report was an isolated incident and he expressed regret in relation to the events in question.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 24 JANUARY
2017**

Mr Luke Andrews, Licensing Officer, who was in attendance, presented the case on behalf of the Authority. Mr Andrews advised that the applicant had declared the conviction for a public order offence that had occurred less than three years prior to the date of application.

The Sub-Committee reasoned that the applicant had shown remorse. However, concerns were expressed at the amount of time that had elapsed since the offence and the type of offence itself. In addition, Members were not convinced by the limited representations offered by the applicant.

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 type of offence committed and the relatively short time that had elapsed since the date of the offence.

(ii) JRP - New Hackney Carriage and Private Hire Vehicle Driver Applicant

JRP was in attendance and made representations to the Sub-Committee. He explained that he had lived with a medical condition related to his eyesight for many years and it had not impaired his ability to drive. He added that he had declared his condition to the Driving and Vehicle Licensing Agency and it was therefore listed on his vehicle licence.

Mr Andrews presented the case on behalf of the Authority. He reported that in addition to the medical condition described by the applicant, there was also a previous conviction for an offence that had involved deception, though it was acknowledged that over 20 years had elapsed since the offence.

Members were advised that as part of the application process, drivers were required to pass a medical to group 2 standards and that this was the same type of medical required to be licensed as a bus or lorry driver. The applicant in this case had failed to meet the requirements of the medical certificate despite comments from his doctor that suggested the applicant was able to drive cars only.

The Sub-Committee considered the case and agreed that whilst the applicant had driven for many years without incident, there was insufficient medical evidence to make a decision regarding the application.

Resolved:

To defer consideration of the case until the 21 February 2017 meeting, to allow the applicant time to provide additional and more comprehensive medical information related to his condition.

(iii) ASW - New Hackney Carriage Applicant

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

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 24 JANUARY
2017**

Mr Andrews presented the case on behalf of the Authority.

The Sub-Committee was informed of a track record of offences committed by the applicant over a period of 35 years. In addition to the convictions, including some for dishonesty, possession of drugs and motoring offences, the applicant had failed to declare a recent conviction during the application to be licensed process. The Sub-Committee had previously revoked the applicants licence on 16 June 2015 for non-declaration of an offence.

AW described the most recent incident that had led to him receiving a Police caution and explained that in his opinion, he had not been at fault. He added that at the time of the application to become licensed, he had simply forgotten to declare the incident when completing the relevant form.

Members expressed concerns about the applicant's conviction history and his subsequent explanations in relation to some of those convictions. The Sub-Committee was also unconvinced by the reasons offered by the applicant for his failure to disclose an offence during the most recent application to be licensed and his unwillingness to admit responsibility.

Resolved:

1. To not prosecute the applicant for non-disclosure of the offences on his application to be licensed.
2. 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 nature and recency of his offences.

Background papers: exempt

5 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 21 February 2017.

Chairman

(The meeting ended at 6.50 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:	21 February 2017

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 2 February 2017, David Kenneth Simmons made an application to license a Cinderella Horse-Drawn Hackney Carriage.

- 5.2 The Sub-Committee decided at its meeting on 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.
- 5.3 Since 21 October 2010 up until 12 July 2016, the Public Protection Sub-Committee has licensed 21 non-traditional style Horse-Drawn Hackney Carriages.
- 5.4 At the time of writing this report, the carriage has been inspected and passed by our approved inspector prior to the 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	21 February 2017

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

1.0 Purpose of the report:

1.1 To consider applicants 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 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.

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 are fit and proper persons to hold a Hackney Carriage and Private Hire Vehicle driver's licence,

in respect of the following cases:

J.R.P (New Hackney Carriage and Private Hire Vehicle Driver Applicant)

S.M.A (New Private Hire Vehicle Driver Applicant)

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:

Appendix 4(a) Details of cases (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the 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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