

Blackpool Council

9 June 2017

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 20 June 2017 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 24 MAY 2017 (Pages 1 - 4)

To agree the minutes of the last meeting held on 24 May 2017 as a true and correct record.

*** 3 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE** (Pages 5 - 26)

(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 HOUSE TO HOUSE COLLECTIONS

(Pages 27 - 32)

To consider an application for a House to House Collection Licence.

5 DATE OF NEXT MEETING

To note the date of the next meeting as 18 July 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 24 MAY 2017

Present:

Councillor Hutton (in the Chair)

Councillors

Hobson	O'Hara	M Scott
Humphreys	Robertson BEM	

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 25 APRIL 2017

Resolved:

That the minutes of the meeting held on 25 April 2017 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 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee was informed of a number of Hackney Carriage and Private Hire Vehicle Driver Licence applicants and referrals who 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) K.J.C. (New Private Hire Applicant)

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

The Sub-Committee was informed that the applicant had a conviction for an offence that had involved physical violence.

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2017**

KJC, who was in attendance, explained that he had made a mistake and apologised for his behaviour in relation to the incident adding that it had been an isolated incident. He also reported that he had never been in trouble with the Police before or since the incident and, subject to the Sub-Committee's decision, he had been offered employment with a local taxi operator. Following concerns related to non-payment of court costs, the applicant reassured the Sub-Committee that they had been paid via a payroll deduction from the salary paid to him by his current employer.

The Sub-Committee noted the nature of the offence. However, the applicant demonstrated remorse in relation to the incident which had occurred over four years ago and had alleviated other concerns and offered to provide evidence of his compliance with the payment of court costs.

Resolved:

To grant the application for a Private Hire Vehicle Driver's Licence subject to satisfactory evidence being provided to the Licensing Service demonstrating that all court costs relating to the incident had now been paid.

(ii) D.A.H. (New Private Hire Applicant)

Mr Ratcliffe reported that the applicant had two historical convictions and had been brought before Members as one of those was for an offence of a sexual nature.

DAH was in attendance and made representations to the Sub-Committee. He demonstrated regret and remorse and explained that the sexual offence was a mistake following excessive consumption of alcohol and had occurred many years ago. He added that he had since held a number of jobs and been in positions of responsibility.

Members reasoned that both convictions were historical and no longer gave rise to significant concerns. The driver's attitude and demonstration of remorse alleviated any concerns the Sub-Committee had.

Resolved:

To grant the application for a Private Hire Vehicle Driver's Licence.

(iii) I.L.P (New Private Hire Applicant)

Mr Ratcliffe advised the Sub-Committee that the applicant had a previous conviction for a drink driving offence which had resulted in a lengthy driving ban.

ILP was in attendance and advised the Sub-Committee that he had made a grave error and had been driving over three times the legal limit when the incident occurred. The applicant expressed regret in relation to the incident and said it had happened during a difficult period in his personal life. He added that he no longer consumed alcohol and his circumstances had greatly improved since the time of the incident.

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The Sub-Committee considered the case and whilst Members were deeply concerned at the nature of the offence and the subsequent driving ban, the applicant seemed to express genuine regret and a desire to put the incident behind him.

Resolved:

To grant the application for a Private Hire Vehicle Driver's Licence.

(iv) M.S.R. (New Private Hire Applicant)

MSR was not in attendance. The Sub-Committee agreed to hear the case in his absence.

Mr Ratcliffe advised Members that the applicant had an extensive list of previous convictions some of which had involved violence and deception. In addition, the applicant had breached community orders on several occasions and failed to disclose some of his convictions on the application to be licensed.

The Sub-Committee were extremely concerned at both the nature and frequency of the applicant's convictions, the failure to adhere to imposed conditions and the non-disclosure of further 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 to hold such a licence, given the nature and frequency of his convictions, his breach of community orders and non-disclosure of offences.

(v) T.P.S. (Existing Hackney Carriage Driver)

Mrs Davies advised that the Hackney Carriage Driver's Licence had now expired and no new application had been submitted, so there was no reason for the Sub-Committee to hear the case.

(vi) K.A.R (Existing Private Hire Vehicle Driver)

Mr Ratcliffe reported that the driver had been referred to the Licensing service by a concerned family member who had sent an email describing the licence holder as a potential risk to himself and others due to his alcoholism. That letter was subsequently followed by another in which, the family member largely retracted their previous statements about the driver.

KAR was in attendance and made representations to the Sub-Committee. He explained that he was a recovering alcoholic and following a close relative being admitted to hospital, he had resorted to drinking again. He added that after a series of arguments with a family member, he believed that his car keys were taken so as to prevent him from using his vehicle. The driver reported that he had been licensed for over 15 years without incident and had never driven his vehicle under the influence of alcohol. He suggested that he had not been working throughout the period that the relative had been in hospital and admitted he had been at home mostly drinking heavily.

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The Sub-Committee accepted that the family member's motivations and version of events seemed inconsistent and also took into account TPS' previously unblemished record as a licensed driver. However, during questioning, the driver did little to alleviate concerns the Sub-Committee had about his patterns of behaviour and apparent issue with alcohol consumption, which were supported by quite specific allegations contained in the original letter submitted to the Licensing Service. Ultimately, Members were therefore satisfied that the driver could pose a risk to the public.

Resolved:

That the Private Hire Vehicle Driver's Licence be revoked on the grounds that the driver was no longer a fit and proper person to hold such a licence and given the nature of the concerns, that the revocation be with immediate effect.

Background papers: exempt

5 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 20 June 2017.

Chairman

(The meeting ended at: 7:28pm)

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

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Sharon Davies, Head of Licensing Service
Date of Meeting	20 June 2017

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 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:

A.J.M (New), A.W.G. (New), T.J.M (New), D.S. (Existing Horse Drawn Hackney Carriage).

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 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	20 June 2017

HOUSE TO HOUSE COLLECTION LICENCE

1.0 Purpose of the report:

- 1.1 To consider an application for a house to house collection licence

2.0 Recommendation(s):

- 2.1 The Sub-Committee will be requested to determine the application.

3.0 Reasons for recommendation(s):

- 3.1 This application cannot be granted under delegated powers as it falls outside of the Council's policy on house to house collections.

- 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 House to House Collections Act 1939 governs the issue of these licences. It details a number of grounds for refusal:
- That the total amount likely to be applied for charitable purposes as a result of the collection (including any amount already so applied) is

inadequate in proportion to the value of the proceeds likely to be received (including and proceeds already received)

- That remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person.
- The grant of a licence would be likely to facilitate the commission of an offence under section three of the Vagrancy Act 1824, or that an offence under that section had been committed.
- That the applicant is not a fit and proper person to hold such a licence by reason of the fact that he has been convicted of an offence specified in the Schedule to the Act, or has been convicted of an offence which necessarily involved a finding that he acted fraudulently or dishonestly or of an offence of a kind the commission of which would be likely facilitated by the grant of a licence
- The applicant has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purpose of the collection were fit and proper persons
- The applicant has negligently failed to furnish to the authority such information as they may reasonably have required for the purpose of informing themselves as to any of the matters specified above.

5.2 In 2011, the Public Protection Sub Committee approved a policy on House to House collections. The policy states that licences will in general be granted for two, two week periods per year.

5.3 The Licensing Service received an application to make a house to house collection on behalf of Claire House Hospice in Manchester. This could not be granted administratively as it requested a licence for 12 months. When the Council's policy was pointed out to the applicant the following response was received:

As indicated in the legislation which I have sourced from legislation.gov.uk and attached, charities are informed that the only restriction on such permits are that they shall be granted for a period of no more than 12 months (as specified in the application) unless the local authority has reason to refuse the license on the grounds described through points 3a – f.

None of these points refer to the allocation of dates or the number of organisations allowed to collect in one area simultaneously. Neither do they state that local councils are authorised to differ on their policies regarding house to house collections. Claire House does not meet any of the criteria for refusal and as I have applied to approximately 40 other authorities and received permits for the 12 month period I requested.

As a children's hospice we deliver a vital service and as a result of the current

economic climate, we are finding it more and more difficult to find the £3.6 million needed every year to keep our doors open. We rely heavily on the generosity of our donors and supporters. Any assistance you could provide would be immensely appreciated.

5.4 Does the information submitted include any exempt information? Yes

5.5 **List of Appendices:**

Appendix 4a: Application from Claire House Hospice

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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