

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 13 MARCH
2018**

Present:

Councillor Hutton (in the Chair)

Councillors

Hobson

Humphreys

Robertson BEM

Mrs Scott

In Attendance:

Mrs Sharon Davies, Head of Licensing Service

Mr 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 6 FEBRUARY 2018

The Sub-Committee considered the minutes of the meeting held on 6 February 2018.

Resolved:

That the minutes of the meeting held on 6 February 2018 be approved and signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

Resolved: 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 item 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 an applicant and an existing driver who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application and referral as follows:

(i) A.T.H (New Hackney Carriage and Private Hire Driver applicant)

Mr Ryan Ratcliffe, Licensing Officer, was in attendance and advised the Sub-Committee that ATH had chosen to withdraw his application.

(ii) M.L.R (Existing Private Hire driver)

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Following a request to defer consideration of the case, the Sub-Committee decided it wished to hear the case immediately given the serious nature of the allegations made against the driver.

Mr Ratcliffe presented the authority's case. He reported that the driver had been previously dealt with in relation to an incident that had involved inappropriate behaviour with a lone female passenger. This incident had been dealt with by Mark Marshall, Head of Licensing under the devolved powers and the driver was advised that his behaviour was unacceptable and should he be involved in a similar incident in the future, serious action would be taken against him.

Members were informed of a more recent incident that had involved the driver displaying similarly inappropriate behaviour towards a lone female passenger in the form of conversations and physical interactions. Following a request for CCTV footage from inside the cab, the driver claimed the system had not been recording at the time of the alleged incident. In relation to the most recent incident, the Licensing Service was particularly concerned that MLR had failed to heed their earlier advice about what constituted appropriate interaction with passengers.

MLR claimed he had done nothing wrong and had only been friendly and professional towards the complainant. He questioned the complainant's version of events and added that he felt there was no evidence to suggest any wrongdoing on his part. He added he had a strong work ethic and wished to continue to work as a licensed driver.

The Sub-Committee accepted that the event and the surrounding circumstances were confusing and it was unclear what evidence could be presented either way. However, given the driver's previous track record for similar behaviour, concerns about his lack of understanding of the expected standards of a licensed driver and the seriousness of the allegations, the Sub-Committee were minded to take serious action against the driver.

Resolved:

That the Private Hire vehicle drivers licence be revoked with immediate effect in the interest of public safety.

Background papers: exempt

5 HACKNEY CARRIAGE VEHICLE LICENCES

The Sub-Committee considered whether two licence holders were fit and proper persons to hold Hackney Carriage Vehicle Licences, in respect of the following cases:

- (i) S.P (Existing licence holder)

Mr Ryan Ratcliffe presented the Authority's case. He advised that the case had previously been deferred to allow the licence holder an opportunity to attend with a legal representative. The Sub-Committee was advised that the vehicle licensed to SP, which was subject to the Council's exceptional quality policy, had been found to have a number of serious mechanical defects during the course of a routine pit inspection.

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SP was in attendance with a legal representative, Mr Cobain and both made representations to the Sub-Committee. Mr Cobain suggested that his client had thought the inspection was designed to identify any vehicle issues and allow the owner a chance to rectify the faults. He added that SP had operated for over ten years without previous incident as a licence holder. During this time, it was claimed that the licence holder had effectively leased various vehicles to drivers to operate and therefore assume the maintenance responsibilities for each of those vehicles. Mr Cobain suggested a number of conditions be added to the licence which his client would strictly adhere to.

The Sub-Committee accepted the proposal that the licence holder undertake weekly visual inspections of the vehicle attached to the licence and conduct a short drive to establish any obvious vehicle defects. However, given the severity of the faults found on the vehicle, the Sub-Committee felt that more could be done to deter similar incidents from happening again in the future.

Resolved:

1. To issue a severe warning letter in relation to future conduct indicating that if the licence holder were brought before the Sub-Committee again, suspension or revocation of the licence would be the likely outcome.

2. To impose the following conditions on the vehicle licence:
 - That a weekly visual inspection and test drive of the licensed vehicle be undertaken by the licence holder
 - That once a month or every 5,000 miles (whichever is the soonest) a detailed maintenance inspection be carried out by a suitably qualified mechanic
 - Legible records of all maintenance inspections to be retained by the licence holder for a period of two years.

(ii) H.M (Existing licence holder)

HM was not in attendance and therefore made no representations to the Sub-Committee.

As no indication had been given by the licence holder on his intention to attend the meeting, the Sub-Committee agreed to hear the case in his absence.

Mr Ratcliffe advised the Sub-Committee that HM had been before the Sub-Committee once before for an incident in which he was judged to have used abusive or threatening behaviour towards a member of the public. On that occasion at the October 2016 meeting, he was issued with a severe warning letter.

Members were informed that with regards to the reason he had been referred to the Sub-Committee on this occasion, he had been operating a vehicle in a poor mechanical state and in a condition that made it dangerous for the transport of fare paying passengers.

The serious nature of the defects found on the vehicle combined with the driver's previous appearance before them, led the Sub-Committee to take a stern view.

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Resolved:

That the Hackney Carriage vehicle licence be revoked on the grounds that the driver was not a fit and proper person to hold such a licence.

Background papers: exempt

6 DONKEY DRIVERS LICENCES

The Sub-Committee considered whether two licence holders were fit and proper persons to hold Donkey Driver Licences, in respect of the following cases:

(i) S.T (Existing licence holder)

Mr Ratcliffe, Mr Dave Verity and Mr Ian Taylor, Public Protection Officers, who were also in attendance, presented the case on behalf of the authority.

ST was in attendance with a family friend and both provided representations to the Sub-Committee.

The Sub-Committee was informed of an ongoing investigation by the RSPCA into suspected animal cruelty and abuse at the licence holder's premises. The yard was used for the storage and exercise of various animals including donkeys and dogs of various breeds.

Mr Ratcliffe showed Members a series of CCTV video clips from the yard that had been used as evidence of cruelty. Some of the footage showed the licence holder participating in physical violence against donkeys. Mr Verity and Mr Taylor added that when they had visited the yard subsequently, some of the conditions they observed were below the standard expected of licence holders.

ST suggested that she had been in a relationship with a violent individual at the time of the incidents and that he had been the perpetrator of most of the violence shown in the CCTV footage. She also claimed to be unaware of his actions with the donkeys. Following the breakdown of their relationship, the licence holder claimed she had been the victim of a personal vendetta which had escalated to her former partner installing CCTV equipment on her premises. ST claimed to have an exemplary record looking after and transporting animals. She added that her actions in the video footage could be explained as coaxing the animals, which she said was necessary given their pack animal status.

The Sub-Committee considered the representations and evidence presented. Despite the licence holder's explanation of events and the issue with a former partner, Members were convinced that wrongful treatment of animals had occurred and the licence holder had been both complicit and an active participant in the cruelty shown in the CCTV footage. Systematic abuse and excessive force were not in keeping with the standards expected of a licensed Donkey Driver.

Resolved:

That the Donkey Driver licence be revoked with immediate effect on the grounds that the

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safety of the public and welfare of animals could not be guaranteed.

(ii) G.E.T (Existing licence holder)

The Sub-Committee was informed of an ongoing investigation by the RSPCA into suspected animal cruelty and abuse at the premises where the licence holder worked with members of her family. The yard was used for the storage and exercise of various animals including donkeys and dogs of various breeds. Members were shown CCTV footage which purported to display the licence holder involved in violence towards an animal in her care. Mr Verity and Mr Taylor also reported that during the course of a visit to the yard, they were troubled to find a number of animals being kept in poor conditions.

GET was in attendance with a family friend and both made representations to the Sub-Committee. In relation to the mistreatment of animals, the licence holder claimed she was not depicted in any section of the CCTV footage. She also claimed she had never taken part in or experienced any animal cruelty during the course of her normal duties. The licence holder claimed to be an animal lover and added that she had worked with various animals without incident for several years.

The Sub-Committee expressed concerns about the ongoing investigation into animal cruelty and the licence holder's behaviour towards animals in her care. Members were equally unsatisfied by the explanation offered for the behaviour observed in the CCTV footage.

Resolved:

That the Donkey Driver licence not be renewed on the grounds that the applicant was not a fit and proper person to hold such a licence.

Background papers: exempt

7 ALLOCATION OF STREET COLLECTIONS 2018/2019

The Sub-Committee considered the allocation of street collections for 2018-2019 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. It was noted that consultation had been undertaken with the BID team or Visit Blackpool depending on where the collection was due to take place.

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 2018 illuminations.
2. To approve street collection permits for the following organisations from the approved list within the forthcoming 12 month period:
 - Royal British Legion Poppy Appeal 2018

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3. To approve the following individual applications for street collections in the following year:
 - **Help for Heroes:** An application from a national charity for a permit to collect in the Town Centre on 20/21 April, 18/19 May, 15/16 June, 20/21 July, 14/15 September, 16/17 November and 14/15 December 2018.
 - **Marie Curie Cancer Care:** Application from the national charity for a collection on 21 April 2018 in St John's Square 10am-4pm with an hour of Irish Dancing 2.30-3.30pm.
 - **Meningitis Now:** An application from a national charity for a collection in the Town Centre on 12 May 2018 10am-4pm.
 - **Trinity and Brian House Children's Hospice:** An application from a local charity for two collections for 14 April 2018 Bubble Rush and 13 May 2018 10K Fun Run.
 - **Tiny Individuals Need You.** Local CIC for Promenade and Town Centre collection on 24-28 May and 25-27 August 2018. They will not be permitted on the Promenade between 27/28 May nor 25-27 August 2018.
 - **Here 4 U.** An application and for the 18 August 2018 in St John's Square 8am-8pm.
 - **RNLI** To collect on 4 August 2018 –Lifeboat Open Day and 2 September 2018 'Boat Pull'
 - **Alzheimer's Society:** An application for a permit to collect during a Memory Walk along the Promenade on the 16 September 2018.
 - **BETEL UK.** An application to collect between 3-6 December 2018 inclusive for two days only.

4. To defer consideration of the application from **Here 4 U**, an application and for the 18 August 2018 in St John's Square 8am-8pm to obtain more information about the organisation and its intentions.

5. To delegate to the Head of Licensing Services authority to issue further suitable applicants with permits.

8 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 10 April 2018.

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Chairman

(The meeting ended at 9.44 pm)

Any queries regarding these minutes, please contact:
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