

Public Document Pack

Blackpool Council

24 August 2018

To: Councillors Collett, Hobson, Humphreys, Hutton, Owen, Robertson BEM and Mrs Scott

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 4 September 2018 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.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

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 either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

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 31 JULY 2018 (Pages 1 - 4)

To agree the minutes of the last meeting held on 31 July 2018 as a true and correct record.

* **3 HORSE DRAWN HACKNEY CARRIAGE DRIVER'S LICENCE** (Pages 5 - 10)

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

* **4 HACKNEY CARRIAGE DRIVER'S LICENCE** (Pages 11 - 20)

(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 DATE OF NEXT MEETING

To note the date of the next meeting as 2 October 2018.

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	Humphreys	Mrs Scott
Hobson	Robertson BEM	

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 3 JULY 2018

The Sub-Committee considered the minutes of the last meeting held on 3 July 2018.

Resolved:

That the minutes of the meeting held on 3 July 2018 be approved and signed by the Chairman.

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 items 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 APPLICATION TO LICENCE A CINDERELLA HORSE-DRAWN HACKNEY CARRIAGE

The Sub-Committee considered an application to license a modified Horse-Drawn Hackney Carriage. During consideration of the application, Members conducted a visual inspection of the Carriage.

The applicant Ms Bebbington was in attendance at the meeting.

Mr Dave Verity, Public Protection Officer, who was in attendance, informed the Sub-Committee that the Carriage on display had yet to be inspected by the Council's Carriage Inspector and this would be done as soon as he was available to carry out the inspection.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 31 JULY 2018

Resolved: That the application to license a modified Horse-Drawn Hackney Carriage be granted in the case of Ms Bebbington subject to a satisfactory outcome of an inspection by the Council's Carriage Inspector.

5 PRIVATE HIRE DRIVERS LICENCE

Members were informed of a Private Hire Vehicle Driver applicant who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the application as follows:

- (i) A.J.M. (New applicant)

Mr Verity advised the Sub-Committee that the applicant had a number of convictions for motoring offences, one of which was for driving whilst intoxicated. He added that the applicant had been banned from driving once for drink driving and once under the totting up of penalty points rule.

AJM expressed regret for his convictions and explained that he had to contend with some difficult personal circumstances at the time of his drink driving conviction and maintained that, in his opinion, it was important to consider that he was only marginally over the legal limit for blood alcohol level. AJM suggested that he was good at dealing with people as he had previously run a business and wanted to continue to work with members of the public.

Despite the applicant's explanation regarding his convictions, given the number and nature of his offences, particularly with regard to motoring offences, the Sub-Committee were unconvinced of his suitability to become a licensed driver.

Resolved: To refuse to grant the Private Hire Driver's Licence on the grounds that the applicant was not a fit and proper person.

Background papers: exempt

6 HACKNEY CARRIAGE VEHICLE LICENCE

NOTE: Councillor Humphreys was not present until the consideration of the Agenda Item and took part in all subsequent discussions.

The Sub-Committee considered whether a licence holder was a fit and proper person to hold a Hackney Carriage Vehicle Licence, in respect of the following case:

- (i) J.N. (Existing licence holder)

Mr Verity presented the Authority's case. He described the licence holder's desire to have conditions attached to his Hackney Carriage Vehicle Licences removed which he felt were no longer applicable to him. Despite the conditions, vehicles operated by JN had been found to have some mechanical defects on various occasions uncovered during routine stops by the Council Enforcement Team or through failing pit tests at Layton depot.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 31 JULY 2018

JN was in attendance and reported that he had operated a maintenance schedule on each of the vehicles in his possession for many years and on the whole felt he had not fallen foul of the authority, though admitted that on occasion there had been some lapses in standards. The licence holder suggested that in his opinion, once he had informed the drivers in charge of his vehicles of their responsibilities, then they were obliged to inform JN of any maintenance issues in order that they be rectified.

The Sub-Committee considered the representations made by the applicant and the evidence presented by the authority. Whilst JN's maintenance record was not deemed to be severely lacking, concerns about the level of responsibility he displayed and his failure to fully appreciate the importance of regular and scheduled maintenance and record keeping led Members to question the licence holder's commitment. It was felt that removing the conditions currently on the licence could in effect lead to a lowering of standards.

Resolved: To not remove the conditions attached to the Hackney Carriage Vehicle Licences in order to ensure future compliance.

Background papers: exempt

7 DATE OF NEXT MEETING

Members noted that the date of the next meeting was scheduled for Tuesday 4 September 2018.

Chairman

(The meeting ended at 7.08 pm)

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

This page is intentionally left blank

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager - Public Protection
Date of Meeting	4 September 2018

HORSE DRAWN HACKNEY CARRIAGE 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 the applicant is a fit and proper person to hold a Horse Drawn Hackney Carriage licence, in respect of the

following case:

T.W.C (New applicant)

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

List of Appendices:

Appendix 3(a) Details of case (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant is a fit and proper person 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

This page is intentionally left blank

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager - Public Protection
Date of Meeting	4 September 2018

HACKNEY CARRIAGE DRIVERS LICENCE

1.0 Purpose of the report:

1.1 To consider a licence holder 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 referral 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 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 Hackney Carriage Vehicle Driver's licence, in respect of

the following case:

A.P.J (Existing)

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

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 licence holders is a fit and proper person 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

This page is intentionally left blank