

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 25 FEBRUARY  
2020**

**Present:**

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP  
Critchley

Farrell  
Hunter

D Scott  
R Scott

Wilshaw

**In Attendance:**

Mr Lennox Beattie, Executive and Regulatory Manager  
Mrs Sharon Davies, Senior Solicitor

**1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

**2 MINUTES OF THE LAST MEETING HELD ON 21 JANUARY 2020**

The Public Protection Sub-Committee considered the minutes of the last meeting held on 21 January 2020.

**Resolved:**

That the minutes of the Public Protection Sub-Committee meeting held on 21 January 2020 be approved and signed by the Chairman as a correct record.

**3 EXCLUSION OF PUBLIC AND PRESS**

The Public Protection Sub-Committee considered excluding the public and press from the agenda items 3 and 4 as those items contained information which was exempt from publication by virtue of Paragraph 1 of Section 100 (A) of the Local Government Act 1972. It considered that the public interest would not be served by allowing the information to be held in open session due to the sensitive information about individuals outlined.

**Resolved:** That under Paragraph 1 of Section 100 (A) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the whole item, including the decisions referred to at agenda items 3 and 4.

**4 PRIVATE HIRE VEHICLE DRIVER LICENCES**

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The Public Protection Sub-Committee considered three applicants for a Private Hire Driver's Licence and one existing Licence Holder who had been convicted of offences or otherwise given reason for concern.

(i) S.E.S (existing)

Mr Ryan Ratcliffe, Licensing Enforcement Officer, was in attendance and presented the case on behalf of the authority. Mr Ratcliffe explained that S.E.S. had been a licensed driver for a number of years and during the renewal process his criminal records check had shown a caution for possession of a controlled substance. He emphasised that the Council's Hackney Carriage and Private Hire Licensing policy took a negative view of offences involving drugs especially due to the risk to public safety in combining driving and drugs. In Mr Ratcliffe's view the issue had been compounded by S.E.S's failure to disclose the offence when applying to renew his licence.

S.E.S was in attendance accompanied by a family member. He explained the situation regarding the offence. S.E.S. emphasised that the offence had been a one-off incident that he had grown the drug himself using his skills as a gardener. He outlined his belief that the drug would assist in dealing with his back injuries and that he had not taken actually taken the drug and would never have had while acting as a licensed driver. S.E.S. further explained that he had not fully understood the caution process and had omitted the offence as an oversight.

The Public Protection Sub-Committee considered carefully the renewal application and all the relevant information regarding offences. The Sub-Committee considered that in view of the circumstances particularly that S.E.S. had by his own admission been concerned in the production of controlled drugs, even though it might have been only for his personal use, that he had demonstrated that he was not a fit and proper person to hold a Private Hire Vehicle Driver's licence. The Sub-Committee did that there was evidence that S.E.S. had sought to deliberately mislead the Licensing Authority by omitting the caution from his application form.

**Resolved:**

1. That the application for a Private Hire Vehicle Driver's Licence in respect of S.E.S be refused.
2. That no action be taken in respect of the failure to declare the offence.

(ii) K.J.V. (new application)

Mr Ryan Ratcliffe, Licensing Enforcement Officer, was in attendance and presented the case on behalf of the authority. Mr Ratcliffe explained that K.J.V. had submitted an application to become a licensed driver and included on his application form details of a number of offences related to food safety. While the offences were not directly mentioned in the Council's Hackney Carriage and Private Hire Licensing Policy it had been considered due to the nature and number to refer K.J.V's application to the Sub-

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Committee.

K.J.V was in attendance and made representations to the Sub-Committee. K.J.V expressed contrition for the offences but outlined that these had occurred during the running of a hotel. K.J.V. explained that he had left the catering industry with his and his partner's collective inability to ensure that the premises met all the food safety requirements a key factor. K.J.V. explained that the offences all related to one single inspection.

The Sub-Committee considered the application while expressing concern it considered that the offences were not sufficient reason to render him not a fit and proper to hold a licence.

**Resolved:**

That the application in respect of K.J.V. be granted.

iii) M.S.L. (new application)

Mr Ryan Ratcliffe, Licensing Enforcement Officer, was in attendance and presented the case on behalf of the authority. Mr Ratcliffe highlighted that there were M.S.L. had previously been refused an application for such a licence by the Public Protection Sub-Committee in 2018 and that while M.S.L's offences were historic they did represent nine separate convictions for twelve offences. Mr Ratcliffe highlighted concerns of officers regarding M.S.L's pattern of offences and the gaps between offences.

M.S.L. was in attendance and made representations to the Sub-Committee. M.S.L. expressed contrition for his previous offending which he regretted. He highlighted his changed personal circumstances and the significant amount of time that had elapsed since his last offence. He also explained that he had been forced to take work away from his family in Blackpool and therefore applied for a Private Hire Vehicle Driver's licence to fit in better with other commitments.

The Sub-Committee considered carefully the evidence submitted by all parties and the Council's Hackney Carriage and Private Hire Licensing Policy. It considered that on balance that M.S.L. had proved that in spite of his history of offending that he could be considered a fit and proper person to hold such a licence. It therefore agreed to grant the licence application subject to a warning letter explaining that in the event of any further issue that M.S.L. would be referred back to the Sub-Committee where consideration would be given to suspending or revoking his licence.

**Resolved:**

That the application in respect of M.S.L be granted subject to the issuing of a warning letter as to future conduct.

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iv) M.P.S. (new application)

Mr Ryan Ratcliffe, Licensing Enforcement Officer, was in attendance and presented the case on behalf of the authority. Mr Ratcliffe highlighted to the Sub-Committee, his principal concerns, these were M.P.S's failure to declare his conviction and that M.P.S. had been convicted of a violent offence within the last three years. Mr Ratcliffe reminded members that the Hackney Carriage and Private Hire Licensing Policy stated that a licence would not normally be granted to an applicant who had been convicted for an offence of a violent nature within the last ten years. Mr Ratcliffe outlined his view that there were no grounds to depart from this longstanding approved policy. Mr Ratcliffe also expressed concern that M.P.S. had not declared the offence on his application form.

M.P.S. was in attendance and made representations to the Sub-Committee. M.P.S. sought to explain the circumstances behind the offence and expressed remorse as to the incident. M.P.S. emphasised that he had not been involved in any offence of a similar nature either before or after. M.P.S. explained that the failure to disclose the offence had been due to him rushing to complete the form and had not been a deliberate action.

The Sub-Committee considered carefully the evidence submitted to it from the applicant and the Licensing Service. It considered that given the serious violent nature of the offence and concluded that simply expressing regret as to the incident did not create exceptional circumstances to override the Council's Hackney Carriage and Private Hire Licensing Policy. It therefore concluded that M.P.S. had demonstrated that he was not a fit and proper person to hold a Private Hire Vehicle Driver's Licence. It also considered the failure to disclose the offence but did not consider it in the public interest to prosecute on this occasion.

**Resolved:**

1. That the application for a Private Hire Vehicle Driver's Licence in respect of M.P.S be refused.
2. That no action be taken in respect of the failure to declare the offence.

**5 MOTION MOVED, SECONDED, VOTED UPON AND LOST**

During consideration of the above item, the following motion was moved, seconded, voted upon and lost.

"That in case of S.E.S. the application for a Private Hire Driver's Licence be granted subject to a warning letter."

**6 PRIVATE HIRE VEHICLE LICENCE**

The Sub-Committee considered a referral in respect of Private Hire Vehicle Licence holder, M.T.K. who had presented a new vehicle for licensing in a very poor condition.

Mr Lee Petrak, Licensing and Public Protection Manager, was in attendance and outlined

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the concerns of the Licensing Authority. Mr Petrak explained that the licence holder had submitted a vehicle that was more than ten years old and in a very poor state of repair with significant damage to the underside of the vehicle. While the Licensing Authority did not necessarily have immediate concerns about the Licence Holder's fitness, some concerns had been raised by the submission and the Licence Holder's view that the vehicle should be resubmitted for licensing. Mr Petrak explained that it was the view of the Vehicle Inspector that the vehicle's chassis was so structurally unsound that it could not be made safe in the long term for use as a licensed vehicle and expressed concern that the vehicle would be temporarily repaired.

The Licence Holder was not in attendance.

The Sub-Committee considered the referral. It accepted the expert evidence submitted by Mr Petrak and on behalf of the Licensing Authority. On balance it concluded that no actions should be taken against Licence Holder in general terms but the vehicle should never be accepted for licensing in the future.

### **Resolved:**

That the application for a Private Hire Vehicle Licence for the vehicle in question by M.T.K. be refused and that the vehicle not be accepted for re-submission for licensing.

### **7 POLICY ON THE USE OF THE NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS (NR3)**

The Sub-Committee considered the proposed policy on the use of the National Register of Taxi Licence Revocations and Refusals for Hackney Carriage and Private Hire Drivers. The aim of the register was to allow Councils to share information regarding refused applicants to enable all potential decision makers to be aware of all issues regarding applicants. The Local Government Association (LGA) had commissioned the development of a national register of Hackney Carriage and Private Hire Vehicle Driver Licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The policy attached at Appendix 5(a) to the report outlined how the Council would propose to use the register and share the information with other Councils.

### **Resolved:**

To consider the policy outlined in Appendix 5(a) to the agenda and subject to any amendments, authorise a four week period of consultation with the trade.

### **8 DATE OF NEXT MEETING**

To note the date of the next scheduled meeting as 17 March 2020 in Committee Room A, Town Hall, Blackpool.

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**Chairman**

(The meeting ended at 7.45 pm)

Any queries regarding these minutes, please contact:

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