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Blackpool Council

22 May 2020

To: Councillors Mrs Callow JP, Collett, Cox, Critchley, Farrell, Hunter, Hutton, R Scott and Wilshaw

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 2 June 2020 at 2.00 pm
Virtual meeting held by Zoom

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 Sub-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 APPOINTMENT OF VICE-CHAIRMAN FOR MUNICIPAL YEAR 2020-2021

Following changes to the Sub-Committee's membership to consider the appointment of a Vice-Chairman for the Municipal Year.

3 MINUTES OF THE LAST MEETING HELD ON THE 17 MARCH 2020 (Pages 1 - 8)

To consider the minutes of the last meeting held on the 17 March 2020.

* **4 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE** (Pages 9 - 20)

To consider two applicants for Private Hire Vehicle Driver's Licences, one of which has also applied for a Hackney Carriage Driver's Licence

(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)

* **5 HORSE DRAWN HACKNEY CARRIAGE DRIVER'S LICENCE** (Pages 21 - 34)

To consider an application for a Horse Drawn Hackney Carriage Licence.

(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)

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, [Tel:01253 477157](tel:01253477157), e-mail lennox.beattie@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.

Agenda Item 3

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 MARCH 2020

Present:

Councillor D Scott (in the Chair)

Councillors

Mrs Callow JP	Farrell	R Scott
Critchley	Hunter	Wilshaw

In Attendance:

Mrs Sharon Davies, Principal Licensing Solicitor
Mr Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

Councillor Critchley declared a personal interest for part of Agenda Item 4, on the grounds that the applicant CRE at section (ii) was known to her from previous employment and as a result she felt uncomfortable dealing with the case.

Councillor Critchley therefore left before consideration of the case and took no part in the subsequent discussion or decision.

2 MINUTES OF THE LAST MEETING HELD ON 25 FEBRUARY 2020

The Public Protection Sub-Committee considered the minutes of the last meeting held on 25 February 2020.

Resolved:

That the minutes of the Public Protection Sub-Committee meeting held on 25 February 2020 be approved and signed by the Chairman as a correct record.

3 EXCLUSION OF THE 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.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 MARCH
2020**

4 EMERGENCY ITEM - CORONAVIRUS PANDEMIC

Given that the advice received from Central Government regarding measures to be taken to minimise the spread of the Coronavirus were received after the dispatch of the agenda, the Chairman agreed that the Sub-Committee would consider the Item as a matter of urgency and that it could not reasonably be deferred until the next scheduled meeting.

Resolved: To note that the Chairman agreed that the agenda Item entitled 'Hackney Carriage and Private Hire Policy Requirements' be considered as a matter of urgency.

5 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REQUIREMENTS

Mrs Davies outlined the Licensing Service's plans to reduce the administrative work it would carry out whilst the government advice regarding the response to the Coronavirus pandemic remained in place. Normal business would be limited and/or dealt with differently in the interim.

Members agreed that the precautions proposed by the Licensing Service seemed proportionate and in keeping with the advice from Central Government. The Sub-Committee acknowledged that the current situation with regard to the Coronavirus was unprecedented and as such, extraordinary measures would be required to deal with the threat posed to the general public.

Details of exactly how that could be achieved were relayed to the Sub-Committee through measures designed to ensure that the licensed trade could continue to operate effectively during the period of restrictions caused by the Coronavirus pandemic. The recommendations would also allow for the continuation of the established urgent action procedures to protect public safety even in exceptional circumstances.

Resolved:

To delegate to the Trading Standards and Licensing Manager, or such other suitably qualified officer nominated by him in writing:

1. The power to vary the requirement for licensed vehicles to be tested at CVMU and replace it with the requirement for the vehicle to have a valid MOT certificate.
2. The power to dispense with the requirement in suitable cases for a driver to produce medical evidence of fitness to drive for a period of six months from the date that it was due.
3. To amend the Policy to allow the Trading Standards and Licensing Manager to nominate in writing any other suitably qualified officer nominated by him in writing to exercise the powers of suspension and revocation.
4. To amend the policy to allow the Trading Standards and Licensing Manager/nominated officer to exceptionally dispense with the previously agreed procedure for the suspension and revocation of Hackney Carriage and Private Hire Driver's Licences, namely the formal interview and consultation with the Chairman/Vice Chairman where such steps are not practical.

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2020**

6 HORSE DRAWN HACKNEY CARRIAGE LICENCE

The Public Protection Sub-Committee considered a Horse Drawn Hackney Carriage Driver Licence Holder who had been convicted of offences or otherwise given reason for concern.

A.M.C – The Licence Holder was not in attendance. However, members of the Sub-Committee agreed that she had received ample notification to attend and therefore agreed to deal with the case in her absence.

Mr Ratcliffe, Licensing Enforcement Officer, who was in attendance, presented the case on behalf of the authority. He advised that the Licence Holder had nine penalty points on her driver's licence, some of which were for recent offences. In addition, she had failed to inform the Licensing Service of the most recent penalty points.

The Sub-Committee reasoned that the number of penalty points and the Licence Holder's failure to notify the authority of her change in circumstances was unacceptable.

Resolved: To issue the Horse Drawn Hackney Carriage Driver with a Severe Warning Letter in relation to future conduct, indicating that if she were brought before the Sub-Committee again at any point in the future, then suspension or revocation of the Licence would be the likely outcome.

Background papers: exempt

7 PRIVATE HIRE VEHICLE DRIVER LICENCES

The Public Protection Sub-Committee considered Private Hire Driver applicants and Licence Holders who had been convicted of offences or otherwise given reason for concern.

(i) I.J.C.

Mr Ratcliffe informed the Sub-Committee that the applicant had four historical convictions, the last of which was from 38 years ago. However, the offences were especially relevant as they concerned dishonesty.

IJC was in attendance and explained that much had changed in his life since the offences and he regretted that period. He added that he forgot to declare the offences given the large amount of time that had elapsed.

The Sub-Committee reasoned that sufficient time had elapsed since the offences and the applicant appeared to have lived his life without incident in the intervening years. However, some concerns remained about the nature of the offences.

Resolved: To grant the Private Hire Vehicle Driver's Licence with the addition of a Severe Warning Letter in relation to future conduct, indicating that if the applicant were brought before the Sub-Committee again at any point in the future, then suspension or revocation

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of the Licence would be the likely outcome.

(ii) C.R.E.

CRE was in attendance and appealed to the Sub-Committee on the basis that the offences he had committed on several occasions over ten years previously had occurred during a difficult period in his life. Mr Ratcliffe described the offences for possession and intent to supply Class A drugs and the fact that the applicant had served a considerable custodial sentence for those offences.

CRE expressed regret and remorse for his behaviour and described that time as a turning point in his life. Since then, he claimed to have been in steady employment including management positions requiring responsibility and honesty and gave examples of charitable work and caring for relatives he had also undertaken. He also produced various personal references which positively alluded to his character and trustworthiness.

A number of Members expressed significant concerns about departing from the policy given the seriousness of the applicant's offences. However, the fact that the applicant accepted full responsibility for his actions and did not attempt to excuse his behaviour, combined with the changes he had made in his life and supporting references produced regarding his character, led others to look more favourably on the application.

Resolved: To grant the Private Hire Vehicle Driver's Licence with the addition of a Severe Warning Letter in relation to future conduct, indicating that if the applicant were brought before the Sub-Committee again at any point in the future, then suspension or revocation of the Licence would be the likely outcome.

NOTE: Councillor Critchley declared a personal interest and left before consideration of the case. She took no part in the subsequent discussion or decision.

(iii) D.K.

The authority case detailed a recent conviction the applicant had for driving without insurance.

The applicant was in attendance and claimed the offence was the result of an honest mistake whereby he had simply forgotten to renew his vehicle insurance policy and had assumed it would automatically renew as he had not indicated a desire to cancel the policy.

The Sub-Committee agreed that the applicant had demonstrated a lack of organisation in relation to driving without insurance, but reasoned that he had learned from the experience.

Resolved: To grant the Private Hire Vehicle Driver's Licence with the addition of a Severe Warning Letter in relation to future conduct.

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(iv) G.T.H.

GTH was present and Mr Ratcliffe explained the reasons why he had been brought before the Sub-Committee. Members were informed of an instance of drink driving where the Licence Holder had been stopped outside a casino by the Police and breathalysed though not formally charged. In addition, GTH had some outstanding debts with his employer.

When questioned about whether he had any problem with drinking, gambling or managing his finances, he explained that he had had to deal with anxiety and depression and expressed regret for his actions. He claimed that the incident was a one-off and not habitual behaviour on his part.

The Sub-Committee remained unconvinced by the explanations offered by the driver and questioned his commitment to driving professionally given the short time he had been licensed prior to being stopped on suspicion of drink driving. In addition, some Members questioned GTH's attitude and apparent failure to grasp the severity of the case against him.

The driver's conduct had put him in a position where a continuation of his current behaviour would call into question his suitability to act as a licensed driver. Therefore a period of suspension was considered to allow the driver time to reflect and to encourage future compliance.

Resolved:

1. To suspend the Private Hire Vehicle Driver's Licence for a period of six months, effective immediately, to ensure future compliance.
2. To issue the driver with a Severe Warning Letter in relation to future conduct, indicating that if the applicant were brought before the Sub-Committee again at any point in the future then revocation of the licence would be the likely outcome.

(v) A.P.M.

Mr Ratcliffe informed the Sub-Committee that as with all licensed drivers, APM was required to submit to a Disclosure and Barring Service check once every three years. In addition, the driver had failed to attend certain required training sessions and the Licensing Service had been unable to make contact with him.

Given the lack of cooperation and failure to attend required training appointments, the Sub-Committee agreed that the driver appeared not to be taking his responsibilities seriously enough. In light of this, Members reasoned that the Licence ought to be suspended until such time as all outstanding requirements had been satisfied and should those requirements not be met after an extended length of time, the Licence would be reviewed again by the Sub-Committee in the future.

Resolved:

To suspend the Private Hire Vehicle Driver's Licence with immediate effect until such time that all outstanding medical and training requirements had been completed.

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Background papers: exempt

8 ALLOCATION OF STREET COLLECTIONS 2020/2021

The Sub-Committee considered the allocation of street collections for 2020-2021 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 collection booths during the period of the illuminations and to permit the sale to the public of a brochure on the evening of the Switch-on of the 2020 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 2020
3. To approve the following applications for street collections in the forthcoming year.
 - Streetlife Trust – Friday-Saturday 3/4 April 8pm-7am, annual sleep out, 8 collectors St Johns Square
 - Brian House Children's Hospice – Saturday 4 April, 5 collectors, Lawson's showground, annual Bubble Rush event.
 - Breast Cancer Now – Saturday 4 April 5 collectors, Town Centre and Promenade.
 - Alder Hey Children's Charity – Tuesday 7 April 2020 5 Collectors on Comedy Carpet 11am – 4pm
 - Cancer Research UK – Sunday 12 April, 10 Collectors, Promenade and Town Centre Application.
 - Marie Curie – Saturday 25 April 2.30-3.30pm
 - Trinity Hospice – Sunday 10 May, 5 collectors, Blackpool Promenade during Annual Beaverbrooks 10k event.
 - British Heart Foundation – Saturday 6 June, Saturday 11 July, Sunday 9 August 10am-4pm
 - Royal Air Force Association (RAFA) Friday 26 -28 June 9am-5pm Blackpool Promenade 20 collectors
 - RNLI – Sunday 24 May, 1pm-4pm and Sunday 30 August 9am-5pm, Seven collectors in the vicinity of the Lifeboat station.
 - Claremont Park Community Centre – Saturday 10 October, 4 collectors Promenade 6pm-11pm
 - BetelUK – Mon-Sat 7-12 December 6/8 Collectors in costume Carol singing in Town Centre.

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4. To delegate to the Lee Petrak, Trading Standards and Licensing Manager authority to issue further suitable applicants with permits.

9 DATE OF NEXT MEETING

To note the date of the next scheduled meeting as 21 April 2020 in Committee Room A, Town Hall, Blackpool.

Chairman

(The meeting ended at 7.50 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:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	2 June 2020

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER 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 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:

D.J.M (New Hackney Carriage and Private Hire), J.J.M-H (New Private Hire)

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 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	2 June 2020

HORSE DRAWN 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 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 an applicant is a fit and proper person to hold a Horse Drawn Hackney Carriage driver's licence , in respect of

the following case:

S.N.F (New)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendix 5(a).

5.3 Does the information submitted include any exempt information? Yes

5.4 **List of Appendices:**

Appendix 5(a) Details of case (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant remains 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.

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