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Blackpool Council

8 January 2021

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 19 January 2021 at 6.15 pm
(or at the conclusion of the Licensing Committee meeting, whichever is later)
via Zoom meeting

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

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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 08 DECEMBER 2020

(Pages 1 - 6)

To agree the minutes of the last meeting held on 08 December 2020 as a true and correct record.

* **3 PRIVATE HIRE DRIVER LICENCE**

(Pages 7 - 12)

To consider a licence holder who has either been convicted of offences or who has otherwise given reasons for concern.

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

4 DATE OF NEXT MEETING

To note the date of the next meeting as 23 February 2021

Other information:

For queries regarding this agenda please contact Sarah Chadwick, Democratic Governance Adviser, Tel: (01253) 477153, e-mail sarah.chadwick@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 2

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 8 DECEMBER 2020

Present:

Councillor Hutton (in the Chair)

Councillors

Critchley	Hunter	R Scott
Farrell	D Scott	Wilshaw

In Attendance:

Sarah Chadwick, Democratic Governance Advisor

Sharon Davies, Solicitor

John Greenbank, Democratic Governance Senior Adviser (Scrutiny)

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 3 NOVEMBER 2020

Resolved: That the minutes of the meeting held on 3 November 2020 be approved and signed by the Chair as a correct record.

3 DELEGATION UNDER SECTION 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Sub-Committee were requested to consider the delegation of powers to the Trading Standards and Licensing Manager to suspend Hackney Carriage and Private Hire driver licences in limited administrative circumstances such as failure by the licence holder to provide a Disclosure and Barring Service check or medical certificate in a timely manner.

The Sub-Committee suggested that this item be withdrawn so that the proposal could be incorporated into a revised Hackney Carriage and Private Hire Licensing Policy.

Resolved: That the item be withdrawn to be considered at a later date when revising the Hackney Carriage and Private Hire Licensing Policy.

4 EXCLUSION OF THE PUBLIC AND PRESS

Resolved: That under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the remaining agenda items four, five and six.

5 PRIVATE HIRE DRIVER LICENCES

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 8 DECEMBER
2020**

The Sub-Committee considered licence holders who had been convicted of offences or who had otherwise given reasons for concern.

i. PAS

Mr Ryan Ratcliffe, Licensing Officer, informed the Sub-Committee that PAS had requested a deferral of consideration of their case as they were unable to attend due to ill health.

The Sub-committee agreed to defer the case to its next meeting on 19 January 2021, but asked Mr Ratcliffe to advise PAS that should they not be able to attend that meeting then the case would be heard in their absence.

Resolved: That the case of PAS be deferred to the next meeting of the Public Protection Sub-Committee on 19 January 2021.

ii. LM

Mr Ryan Ratcliffe, Licensing Officer, presented the case to the Sub-Committee. He informed Members that LM was an existing Private Hire Driver's licence holder, who had held a licence since August 2019.

Members were informed that on 24 October 2020 the Licensing Service received a complaint from a Blackpool Council Civil Enforcement Officer (CEO) in relation to verbal abuse received from a Private Hire Driver during the course of their duties. The driver, identified from bodycam footage by the Licensing Service as LM, used foul language towards the CEO having been given a Penalty Charge Notice for parking in a bus stop. Mr Ratcliffe suggested that such behaviour falls well below that expected of a licensed driver and asked the Sub-Committee to give careful consideration to LM's fitness and propriety to continue to be licensed.

LM explained to the Sub-committee that they had only parked in the bus stop for two minutes. Mr Ratcliffe asked LM why they had parked in the bus stop when there was space in a nearby loading bay. LM indicated that the loading bay was full when they arrived. The licence holder did not remember exactly what was said to the CEO but that they muttered something to themselves when getting back into their car. LM apologised if the CEO felt abused and confirmed the comment was not intended to be directed at the CEO.

Footage from the CEO's body camera was played to the Sub-committee however the sound was not audible to the Members. Mr Ratcliffe, who had heard the recording, advised the Sub-committee that the audio did not clearly capture LM's verbal response towards the CEO when getting back into their vehicle.

The Sub-committee asked LM if any fare-paying passengers were in the vehicle at the

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 8 DECEMBER
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time of the incident. LM confirmed the only person in the vehicle at the time was their fiancée and that they were not working at the time of the incident.

The Sub-Committee considered the information submitted by all parties and agreed that a warning letter that in the event of future issues the licence may be suspended or revoked be issued in respect of the incident.

Resolved: That LM be issued with a warning letter in respect of their conduct.

6 HACKNEY CARRIAGE VEHICLE AND DRIVER LICENCE

The Sub-Committee considered a referral in respect of Hackney Carriage Vehicle and Driver Licence holder, JTM, who had a history of presenting vehicles for testing in poor condition.

Mr Ryan Ratcliffe, Licensing Officer, presented the case on behalf of the authority. He reported that JTM had been licensed as a driver for over twenty years and had been a vehicle licence holder since November 2014. On 13 October 2020 JTM presented a vehicle for testing at the Council's Central Vehicle Maintenance Unit which failed due to eight defects being identified. Mr Ratcliffe highlighted that the history of this vehicle showed seven initial failures out of nine tests since it was first licensed in July 2017. Although JTM had since replaced this vehicle the authority had concerns over their ability to maintain their vehicles to the required standard. Mr Ratcliffe advised Members that JTM had previously appeared before the Sub-committee in January 2019 for presenting a vehicle for inspection in a poor condition which resulted in a severe warning letter being issued and had conditions added to their licence. Mr Ratcliffe suggested that those conditions seemed to have had little effect and the Licensing Service therefore recommended the minimum of a suspension of JTM's licence.

JTM joined the meeting by telephone and advised that they had since replaced the vehicle. This new vehicle failed its initial inspection but had passed a second inspection later the same day. JTM explained to the members that on the week of that test they had learned that their cancer had returned so had other things on their mind, but accepted that it was wrong to have presented the vehicle in that state.

When asked who decided when their vehicle needed to be mechanically checked, JTM responded that they decided, and that the vehicle was last checked by a mechanic around four to five weeks before the test. Mr Ratcliffe referred the Sub-committee to the licence holder's last appearance before them where there were similarities in basic defects such as an inoperative reversing light causing the vehicle to fail. It was suggested that such defects should be simple for the licence holder to check and fix prior to inspection. In addition, Mr Ratcliffe reported more serious defects such as a broken bonnet catch which could present a serious safety concern if the bonnet catch was to fail whilst driving.

Members expressed concerns about the history of test failures and the lack of routine vehicle checks made by the licence holder as well as the failure to comply with the

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 8 DECEMBER 2020

existing licence conditions in respect of maintenance and service/inspection record keeping. Concerns were also raised that the licence holder appeared to the Sub-committee to have little knowledge of basic vehicle maintenance.

The Sub-Committee carefully considered the information provided by both parties. Members wished to make clear that they considered the consistently poor condition of vehicles presented for testing by the licence holder as extremely serious and so agreed to impose a four week suspension.

Resolved: To suspend JTM's Hackney Carriage Vehicle and Driver licences for a period of four weeks.

7 SCRAP METAL DEALER'S LICENCE

The Sub-Committee considered an application for a new Scrap Metal Dealer Collector's licence and were asked to determine whether the applicant was a fit and proper person to hold such a licence.

Mr Ryan Ratcliffe, Licensing Officer, presented the case on behalf of the authority. He reported that the applicant, JG, had received a formal Police caution in June 2020 for possession of a controlled substance.

JG informed the Sub-Committee that they currently held a Waste Carrier's Licence and were occasionally asked to collect scrap in the course of their duties, hence making this application. When asked about the circumstances of the caution the applicant explained that the controlled substance was found in a building they were working in at the time as a joiner. JG confirmed that the substance had not been found upon their person. As site manager they had taken responsibility on behalf of their employees and had not been aware of the impact of accepting a formal caution and had not been considering making a Scrap Metal Dealer Collector's Licence application at that time.

The Sub-Committee considered the information provided and concluded that the caution was not sufficient reason to render the applicant unfit to hold a licence. It therefore agreed to grant the licence application with a warning letter that in the event of future issues the licence may be suspended or revoked.

Resolved: That the application in respect of JG be granted subject to the issuing of a warning letter as to future conduct.

8 DATE OF THE NEXT MEETING

The date of the next meeting was confirmed as 19 January 2021.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 8 DECEMBER
2020**

Chairman

(The meeting ended 7.43 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Adviser
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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	19 January 2021

PRIVATE HIRE DRIVER 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 Private Hire Driver's licence, in respect of the following

case:

P.A.S (Existing driver)

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

6.0 List of Appendices:

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

7.0 Legal considerations:

7.1 The Sub-Committee must be satisfied that the licence holder is a fit and proper person to be licensed.

7.2 There is the right of appeal to the Magistrates' Court.

8.0 Human Resources considerations:

8.1 None

9.0 Equalities considerations:

9.1 None

10.0 Financial considerations:

10.1 None

11.0 Risk management considerations:

11.1 None

12.0 Ethical considerations:

12.1 None

13.0 Internal/ External Consultation undertaken:

13.1 None

14.0 Background papers:

14.1 None

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