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Blackpool Council

12 February 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, 23 February 2021 at 6.00 pm
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 19 JANUARY 2021 (Pages 1 - 2)

To agree the minutes of the last meeting held on 19 January 2021 as a true and correct record.

* **3 HORSE DRAWN HACKNEY CARRIAGE DRIVER** (Pages 3 - 12)

To consider an applicant and licence holder who has been convicted of offences or who has otherwise given reasons for concern.

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

* **4 PRIVATE HIRE DRIVER LICENCE** (Pages 13 - 22)

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)

5 DATE OF NEXT MEETING

To note the date of the next meeting as 23 March 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, 19 JANUARY 2021

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP
Collett

Critchley
Farrell

Hunter
D Scott

R Scott
Wilshaw

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager

Sarah Chadwick, Democratic Governance Advisor

Sharon Davies, Senior Licensing Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 08 DECEMBER 2020

Resolved: That the minutes of the meeting held on 8 December 2020 be approved and signed by the Chair as a correct record.

3 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 Agenda Item Three, Private Hire Driver.

4 PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a licence holder, PAS, who had been convicted of offences or who had otherwise given reasons for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case to the Sub-Committee. He informed Members that PAS was an existing Private Hire Driver's licence holder, who had previously appeared before the Sub-Committee due to a number of historical convictions when they first applied to be licensed in March 2011 and was granted a licence with a severe warning letter at that time.

Members were informed that on 16 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 PAS, used foul language towards the CEO having been given a Penalty Charge Notice for parking next to a school's

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 19 JANUARY 2021

“keep clear” zig zag markings. 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 PAS’s fitness and propriety to continue to be licensed.

Footage from the CEO’s body camera was played to the Sub-Committee which showed PAS verbally remonstrating with the CEO from within their vehicle. In response to questions from Members, PAS explained that they had only briefly parked there on the request of their passenger who lived at a property near the school. PAS confirmed they remained in their car with the engine still running whilst the passenger disembarked and that they only left their vehicle once the CEO had issued the ticket before driving away. They accepted their behaviour did not demonstrate the level of courtesy and respect expected from a licensed driver and advised the Sub-Committee that they regretted their behaviour during the incident.

The Sub-Committee considered the information submitted by all parties. While agreeing that the conduct of PAS fell below acceptable standards, the remorse of the driver was noted and on balance Members did not feel it was appropriate to suspend or revoke their licence.

Resolved: That a severe warning letter be issued in respect of the incident that in the event of future issues the licence may be suspended or revoked.

5 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 23 February 2021

Chairman

(The meeting ended 7.22 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Adviser
Tel: (01253) 477153
E-mail: sarah.chadwick@blackpool.gov.uk

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	23 February 2021

HORSE DRAWN HACKNEY CARRIAGE DRIVER LICENCE

1.0 Purpose of the report:

- 1.1 To consider an applicant and 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 application and referrals 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

holder is a fit and proper person to hold a Horse Drawn Hackney Carriage driver's licence, in respect of the following case:

D.K.S (Existing)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 3a, 3b and 3c.

5.3 Does the information submitted include any exempt information? Yes

List of Appendices:

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

Appendix 3(b) Application form (not for publication)

Appendix 3(c) DVLA check (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the applicant and licence holder 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.

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting	23 February 2021

PRIVATE HIRE DRIVER LICENCE

1.0 Purpose of the report:

1.1 To consider a licence holder who has been convicted of an offence or who has otherwise given reasons for concern.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the application and referrals 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 licence holder is a fit

and proper person to hold a Private Hire Driver's licence in respect of the following case:

M.S.C (Existing)

5.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 4a and 4b.

5.3 Does the information submitted include any exempt information? Yes

List of Appendices:

Appendix 4a Details of case (not for publication)

Appendix 4b DVLA check (not for publication)

6.0 Legal considerations:

6.1 The Sub-Committee must be satisfied that the licence holder 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.

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