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Blackpool Council

22 October 2021

To: Councillors Collett, Cox, Farrell, Hunter, Hutton, D Scott and Wilshaw

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 2 November 2021 at 6.00 pm
in Council Chamber, Town Hall

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 5 OCTOBER 2021

(Pages 1 - 8)

To agree the minutes of the last meeting held on 5 October 2021 as a true and correct record.

*** 3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES**

(Pages 9 - 50)

To consider applicants who have been convicted of offences or who have otherwise given reasons for concern.

(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).

4 DATE OF NEXT MEETING

To note the date of the next meeting as 7 December 2021.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Sarah Chadwick, Democratic Governance Senior 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 5 OCTOBER 2021

Present:

Councillor Hutton (in the Chair)

Councillors

Cox	Hunter	Wilshaw
Farrell	D Scott	

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor
Sharon Davies, Senior Licensing Solicitor

1 DECLARATIONS OF INTEREST

Councillor Wilshaw declared a prejudicial interest in Agenda Item 5, Private Hire and Hackney Carriage Driver Licences. The nature of the interest being that he was a family friend of one of the drivers (B.H.S.)

2 EXCLUSION OF PRESS AND PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from agenda items three, four, five and six as those items contained information which was exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A 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 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, Scrap Metal Dealer Licence, agenda item four, Hackney Carriage Vehicle Licences, agenda item five, Hackney Carriage and Private Hire Driver Licences and agenda item six, Use of Delegated Powers.

3 MINUTES OF THE LAST MEETING HELD ON 8 SEPTEMBER 2021

Resolved: That the minutes of the meeting held on 8 September 2021 be approved and signed by the Chair as a correct record.

4 SCRAP METAL DEALER LICENCE

The Sub-Committee considered a referral in respect of an existing Scrap Metal Dealer Collector's Licence holder.

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Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that the Licensing Service had been provided with information from Blackpool Council's Trading Standards department and Lancashire Constabulary in respect of a number of copper tanks that had been stolen from a property on the Promenade. CCTV footage was shown to Members which showed a vehicle branded with the licence holder's details collecting the tanks from the property and an apparent cash transaction being made for the items.

The Sub-Committee was informed that, under the Scrap Metal Dealers Act 2013, cash payments for scrap were not permitted and that full details of the person from whom the metal was received must be collected. Mr Ratcliffe reminded Members that the licence holder, J.G., previously appeared before the Sub-Committee when they applied for the grant of their licence in December 2020 due to having a Police caution for possession of a controlled substance. At that time the licence was granted with a severe warning and the Licensing Service now recommended revocation as it did not believe that J.G. was a suitable person to hold a Scrap Metal Dealer Collector's licence.

J.G. appeared before the Sub-Committee and explained that they were not driving the vehicle at the time. The driver was not very well known to J.G. having only been employed by them the previous week to undertake rubbish removals and had not been given training in respect of scrap collections, nor had they been asked to collect any items from that address. In response to questions from Members, J.G. admitted that sufficient checks had not been made in respect of the driver before employing them and advised the Sub-Committee that the driver no longer worked for them following the complaint.

The Sub-Committee carefully considered the information provided and expressed concerns over the lack of checks and training undertaken by the licence holder when employing the driver. Although it was noted they could continue to operate as a rubbish removal business, Members felt that J.G. failed to act responsibly in their position as the holder of a Scrap Metal Dealer Collector's Licence and therefore agreed to revoke the licence as they considered that J.G. was not a suitable person to carry on the business of collecting scrap.

Resolved: To revoke J.G.'s Scrap Metal Dealer Collector's Licence.

5 HACKNEY CARRIAGE VEHICLE LICENCES

The Sub-Committee considered referrals in respect of existing Hackney Carriage Vehicle Licence holders.

- i. D.N.G.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that D.N.G. had recently transferred a Hackney Carriage Vehicle Licence into their name which was subject to a number of additional conditions as a legacy of poor maintenance issues

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by the previous licence holder. D.N.G. had submitted a written request for those conditions to be removed which the Licensing Service supported as it had no concerns over D.N.G's ability to maintain their vehicle to the required standard.

D.N.G. appeared before the Sub-Committee and explained that they had not come to the attention of the Licensing Service for any maintenance issues when they previously held a Private Hire Vehicle Licence. Referring to their record of good conduct D.N.G. considered the conditions unnecessary and requested that Members agreed to their removal from the licence.

The Sub-Committee considered the information provided and agreed to remove the conditions from the licence.

Resolved:

To remove the following conditions attached to D.N.G.'s Hackney Carriage Vehicle Licence:

1. The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis.
2. The licence holder is to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for a period of 2 years.
3. Records of all servicing to be retained for 2 years, those servicing records to contain the date, vehicle registration number and mileage of the vehicle.
4. All service/inspection records must be legible.
5. All records to be produced to enforcement or police officers within 24 hours of the demand being made.
6. The licence holder must implement a procedure to ensure that drivers do a visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.

ii. E.R.C.

Mr Ryan Ratcliffe, Licensing Officer, reported that on 20 September 2021 E.R.C. presented a licensed Hackney Carriage Vehicle for inspection at Blackpool Council's Central Vehicle Maintenance Unit which failed due to a number of defects being identified. Two of those defects were classified as dangerous and the vehicle was issued with a prohibition notice and suspended from use as a Hackney Carriage. The Sub-Committee was shown a video recording of the inspection highlighting in particular that the tyres were excessively worn. Mr Ratcliffe expressed concerns in respect of the maintenance of the vehicle and recommended the minimum of a strict warning be issued and conditions applied to E.R.C.'s vehicle licence.

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E.R.C. explained that they would normally take their vehicle to a garage to be checked by a mechanic before presenting it for inspection but on this occasion had failed to do so. They informed the Sub-Committee that the vehicle had recently been fitted with four new tyres and produced a number of receipts for general servicing and tyre replacements within the previous two months. E.R.C. apologised for the vehicle's condition and assured Members that they would ensure the vehicle was thoroughly checked in future.

The Sub-Committee questioned how new tyres could be so badly worn after a few weeks of use, Mr Ratcliffe suggested to Members that another fault identified at the inspection could have caused excessive wear if the tyres had not been correctly tracked after being fitted. He considered that this further demonstrated that the vehicle had not been maintained satisfactorily.

The Sub-Committee expressed serious concerns about the condition of the vehicle as it was presented for its inspection and the ability of E.R.C. to spot obvious defects or perform adequate maintenance on the vehicle. It did not feel that the licence holder recognised the severity of the defects or the dangers they posed and concluded that serious action should be taken.

Resolved:

1. To suspend E.R.C.'s Hackney Carriage Vehicle Licence for a period of two weeks.
2. To issue E.R.C. with a severe warning letter that in the event of any future misconduct or issues with vehicle maintenance the licence may be suspended or revoked.
3. To impose the following conditions on E.R.C.'s Hackney Carriage Vehicle Licence:
 - i. The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis.
 - ii. The licence holder is to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for two years.
 - iii. Records of all servicing to be retained for two years, those servicing records to contain the date, vehicle registration number and mileage of the vehicle.
 - iv. All service/inspection records must be legible.
 - v. All records to be produced to enforcement or police officers within 24 hours of the demand being made.
 - vi. The licence holder must implement a procedure to ensure that drivers do a visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.

6 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

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

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i. B.H.S.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that B.H.S was an existing Private Hire Driver who had been licensed since August 2020. A check conducted by the Licensing Service on B.H.S.' DVLA driving licence on 30 July 2021 had identified they had received six points for the offence of driving a motor vehicle while using a hand-held mobile device in September 2020. Mr Ratcliffe further advised that B.H.S. had failed to notify the Licensing Service of the offence contrary to condition one of their Private Hire Driver's Licence and therefore recommended that the minimum of a strict warning be issued.

B.H.S apologised to the Sub-Committee and explained that they were not carrying any passengers at the time of the offence but accepted their actions were wrong and acknowledged the danger posed. They considered their driving record to be good overall and assured Members that they would not commit the same offence again.

The Sub-Committee considered the information provided and noted the licence holder's remorse for the incident. It therefore agreed to issue a severe warning letter that in the event of future issues the licence may be suspended or revoked and reminded B.H.S. of their requirement to notify the Licensing Service of any future offences.

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

NOTE: Councillor Wilshaw, having declared a prejudicial interest, left the meeting and took no part in the discussion or voting on this referral.

ii. D.P.C.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, advised the Sub-Committee that D.P.C. was an existing Private Hire Driver who in August 2021 had been convicted of possessing an offensive weapon in a public place. A brief description of the circumstances surrounding the incident had been provided by Lancashire Constabulary which explained that D.P.C. had been involved in a confrontation in relation to abuse received by their son. Referring to the Hackney Carriage and Private Hire Convictions Policy Mr Ratcliffe asked the Sub-Committee to consider whether D.P.C. remained a fit and proper person to be a licensed Private Hire driver.

Appearing before the Sub-Committee D.P.C expressed regret for the incident, explaining they had picked up a tool in reaction to their son being spat at by a gang of youths. They assured Members that they had no intention of using it as a weapon and had only picked it up in self-defence.

Members considered the information provided by both parties, noting the remorse of the licence holder and that it appeared to be an isolated incident. The Sub-Committee concluded that D.P.C. remained a fit and proper person to be licensed and therefore

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agreed to issue a severe warning letter that in the event of future incidents the licence may be suspended or revoked.

Resolved: That a severe warning letter be issued that in the event of any future misconduct D.P.C.'s licence may be suspended or revoked.

iii. S.T.C.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that S.T.C. was an existing Hackney Carriage Driver who had been licensed since December 2019.

On 31 July 2021 S.T.C. had been involved in an altercation with a non-paying customer which resulted in them being charged with a Public Order Offence. The report to the Sub-Committee provided written details of the incident from the licence holder and Lancashire Constabulary who confirmed that it did not result in a formal conviction. Mr Ratcliffe concluded that although the matter was not dealt with by the court, Members should still consider the Hackney Carriage and Private Hire Convictions Policy in deciding whether S.T.C. remained a fit and proper person to be licensed.

S.T.C. appeared before the Sub-Committee accompanied by Ian Hodgkin, a Director of Blacktax and read a pre-prepared statement. The circumstances of the incident were explained and they expressed regret for their actions which were considered out of character. Mr Hodgkin spoke in support of the licence holder and advised the Sub-Committee he had known S.T.C. for a long time and that they were a valued member of staff.

Members considered the information provided by both parties. They noted the character reference provided by the Director of Blacktax and that the altercation appeared to be an isolated incident which resulted in a low level penalty. The Sub-Committee therefore concluded that S.T.C. remained a fit and proper person to be licensed and agreed to issue a severe warning letter that in the event of future incidents the licence may be suspended or revoked.

Resolved: That a severe warning letter be issued that in the event of any future misconduct S.T.C.'s licence may be suspended or revoked.

7 USE OF DELEGATED POWERS SINCE THE LAST MEETING

Mr Lee Petrak, Trading Standards and Licensing Manager, updated Members on the use of Delegated Powers to revoke a Private Hire Driver's licence since the last meeting.

Mr Petrak reported that Lancashire Constabulary had made the Licensing Service aware of a collision between a licensed Private Hire vehicle and a stationary car which took place on 10 September 2021. The driver of that vehicle, M.D., was found to be over the prescribed alcohol limit.

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M.D. was subsequently invited to attend an interview with the Licensing Service on 14 September 2021 to discuss the matter, at which they admitted the offence and indicated a dependency on alcohol. As a result, the Trading Standards and Licensing Manager had decided on balance that M.D. was not a fit and proper person and so revoked M.D.'s Private Hire Driver's licence with immediate effect.

Resolved: To note the update on the use of Delegated Powers.

8 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 2 November 2021.

Chairman

(The meeting ended 8.06 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Senior Adviser
Tel: (01253) 477153
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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	2 November 2021

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 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.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None, as the Sub-Committee is required to determine the application and referrals.

5.0 Council priority:

5.1 The relevant Council priority is:
"The economy: Maximising growth and opportunity across Blackpool"

6.0 Background information

6.1 The Sub-Committee is asked to determine whether or not the applicants are fit and proper persons to hold Hackney Carriage and Private Hire driver licences in respect of the following cases:

M.A.K. (New Private Hire driver)

T.P.S. (New Hackney Carriage driver)
W.B.D. (New Private Hire driver)
H.M. (New Hackney Carriage and Private Hire driver)

6.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 3(a) to 3(k).

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 3(a) M.A.K Details of case (not for publication)
Appendix 3(b) M.A.K. DVLA check (not for publication)
Appendix 3(c) T.P.S. Details of case (not for publication)
Appendix 3(d) T.P.S. DVLA check (not for publication)
Appendix 3(e) T.P.S. DBS Certificate (not for publication)
Appendix 3(f) W.B.D. Details of case (not for publication)
Appendix 3(g) W.B.D. Application and DBS Certificate (not for publication)
Appendix 3(h) H.M. Details of case (not for publication)
Appendix 3(i) H.M. Decision Notice (not for publication)
Appendix 3(j) H.M. DBS Certificate (not for publication)
Appendix 3(k) H.M. Supporting Letter (not for publication)

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 Town Police Clauses Act 1847, Local Government (Miscellaneous Provisions) Act 1976.

The Sub-Committee must be satisfied that the applicants are fit and proper persons to be licensed.

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

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

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