

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 22 FEBRUARY  
2022**

**Present:**

Councillor Hutton (in the Chair)

Councillors

Collett	Farrell	D Scott
Cox	Hunter	Wilshaw

**In Attendance:**

Lennox Beattie, Executive and Regulatory Support Manager  
Sharon Davies, Senior Licensing Solicitor

**1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

**2 EXCLUSION OF PUBLIC AND PRESS**

The Public Protection Sub-Committee considered excluding the public and press from agenda item three, four, five and six as that item 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, Horse Drawn Hackney Carriage Driver's Licence, item four Hackney Carriage Driver's Licence, agenda item five Hackney Carriage Proprietor's Licence and

**3 MINUTES OF THE LAST MEETING HELD ON 18 JANUARY 2022**

The Sub-Committee considered the minutes of the last meeting held on the 18 January 2022.

**Resolved:**

That the minutes of the last meeting held on the 18 January 2022 be approved and signed by the Chairman as a correct record.

**4 HORSE DRAWN HACKNEY CARRIAGE DRIVER'S AND PROPRIETOR'S LICENCE**

The Sub-Committee considered a Licence Holder, D.S. who had been reported by Enforcement Authorities and whose conduct gave rise to concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case to the Sub-

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Committee. Mr Ratcliffe explained that while driving on the Promenade Mr Ratcliffe had observed D.S driving his carriage without the vehicle sidelights in operation and merging into the right and lane from the left turn only lane travelling southbound on Promenade at the junction with Lytham Road/Rigby Road. Mr Ratcliffe had been able to obtain CCTV footage of the incident and played this footage to the Sub-Committee and to D.S. Mr Ratcliffe explained that failing to use the correct lanes demonstrated dangerous or at least ill advised driving style risking the safety of passengers and other road users. This had been compounded by the lack of lights on the vehicle. In Mr Ratcliffe's view these actions fell below that which is required of a Licensed Driver.

D.S. accompanied by his friend was in attendance and made representations. D.S explained that he had many years of experience with horses and horse drawn carriages- while admitting that he should not have been in wrong lane. D.S. emphasised that his aim had been to avoid disrupting the flow of traffic. D.S's opinion was that these actions were not dangerous of them and were common practice amongst other drivers. D.S admitted that the lights originally fitted to the carriage were not in operation but explained that temporary lighting had been fitted.

The Sub-Committee considered the issue and concluded that based on the evidence that D.S's driving fell significantly below the standard required of Licensed driver. It risked putting other road users in danger and did not feel that D.S's explanation mitigated these concerns. It therefore concluded that D.S's licences should be suspended for four weeks to ensure future compliance.

### **Resolved:**

That in the case of D.S both the Horse Drawn Hackney Carriage Driver's and Proprietor's Licences be suspended for a period of four weeks.

### **5 HACKNEY CARRIAGE DRIVER'S LICENCE**

The Sub-Committee considered a licence holder W.H.T who had been reported for an offence that had given the Committee cause for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case. Mr Ratcliffe explained that W.H.T had been driving a licensed Hackney Carriage on the 4 February 2022 when his vehicle had been inspected during a joint licensing operation. The vehicle had been found to have a tire below the legal minimum and in fact completely without tread on the inner edge. Mr Radcliffe highlighted his view that such a fault should be noted by a responsible licence holder in undertaking simple visual checks on the vehicle. While W.H.T had not come to the Licensing Service attention Mr Ratcliffe asked the Committee to note that the 3 points for this offence meant that he now had 9 points on his DVLA driving licence.

W.H.T. was in attendance accompanied by the other driver of the vehicle. W.H.T. expressed contrition for the issue. He explained that the situation had arisen due to an unfortunate series of events where a fault with the vehicle's tracking had caused uneven wear which had occurred while the other driver had been ill. W.H.T explained that in hindsight he had relied on the other driver to check the vehicle as he only drove in the

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hours of darkness and had possibly become complacent.

The Sub-Committee considered the issue and agreed that the conduct was below that required of a licensed driver in driving a vehicle in such a condition.

The Sub-Committee balanced the issue before it with W.H.T's contrition and past good character. It considered that a warning letter should be issued to W.H.T. to ensure future compliance.

**Resolved:**

That in respect of W.H.T. that no action be taken save that a warning letter be issued to the Licence Holder explaining that in the event of further issues the licence may be suspended or revoked.

**6 HACKNEY CARRIAGE VEHICLE LICENCE**

The Sub-Committee considered a referral in respect of MEM a Hackney Carriage Vehicle Licence Holder.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case to the Sub-Committee. Mr Ratcliffe explained that MEM was the Vehicle Proprietor in respect of the vehicle driven by the Licensed driver referred to in Minute Item 5. Mr Ratcliffe explained that the licensed Hackney Carriage had been driven on the 4 February 2022 and when this vehicle had been inspected during a joint licensing operation. The vehicle had been found to have a tire below the legal minimum and in fact completely without tread on the inner edge. Mr Radcliffe highlighted his view that such a fault should be noted by a responsible licence holder in undertaking simple visual checks on the vehicle.

MEM was in attendance accompanied by the other driver of vehicle. MEM expressed contrition for the incident and highlighted that it had been contrary to the way he had normally operated the vehicle. MEM produced evidence to the regime of checking undertaken in respect of this vehicle which the Sub-Committee inspected. MEM explained that he accepted responsibility for the issue but that it had occurred because of exceptional unforeseen circumstances due to the other driver suffering with COVID. MEM highlighted that he had taken steps to amend his system of checks to eliminate the reliance on one person and ensure such an issue could not arise in the future.

The Sub-Committee balanced the issue before it with M.E.M's contrition and the steps already taken to remedy the situation. It considered that a warning letter should be issued to M.E.M and condition added to the licence would ensure future compliance in proportionate manner.

**Resolved:**

1. That in respect of M.E.M. licence holder be issued with a warning letter highlighting that in the event of future issues the licence may be suspended or revoked.
2. That the following conditions be imposed on the licence of the vehicle concerned

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- a) The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis
- b) 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.
- c) Records of all servicing to be retained for 2 years, those servicing records to contain the date, vehicle registration number & mileage of the vehicle
- d) All service/inspection records must be legible
- e) All records to be produced to enforcement or police officers within 24 hours of the demand being made.
- f) 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.

### **7 USE OF DELEGATED POWERS - REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee considered a report on the use of delegated powers to revoke a Hackney Carriage and Private Hire Driver Licences following consultation with the Chairman.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the report to the Sub-Committee. Mr Ratcliffe explained that the driver concerned had been arrested and charged with drink driving following an incident involving a licensed vehicle. While no passengers had been involved- it had been an incident of the most serious concern. The driver had attended a meeting on the 14 February 2022 and had admitted the offence and offered no significant mitigation. Following consultation with the Chairman of the Sub-Committee, it had been agreed to revoke both licences and the licence holder had been notified accordingly.

#### **Resolved:**

To note the use of delegated powers by the Trading Standards and Licensing Manager in the period since the last Sub-Committee meeting on 18 January 2022 contained at section 6.8.

### **8 DATE OF NEXT MEETING- 29 MARCH 2022**

The Sub-Committee noted the date of the next meeting as the 29 March 2022.

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**Chairman**

(The meeting ended 7.55 pm)

Any queries regarding these minutes, please contact:  
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