

Public Document Pack

Blackpool Council

11 February 2022

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 22 February 2022 at 6.00 pm
in Council Chamber, Town Hall

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 18 JANUARY 2022 (Pages 1 - 4)

To agree the minutes of the last meeting held on 18 January 2022 as a true and correct record.

* **3 HORSE DRAWN HACKNEY CARRIAGE DRIVER'S AND PROPRIETOR'S LICENCE** (Pages 5 - 14)

To consider a licence holder who has been convicted of offences or who has 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 HACKNEY CARRIAGE DRIVER'S LICENCE** (Pages 15 - 24)

To consider a licence holder who has been convicted of offences or who has 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).

* **5 HACKNEY CARRIAGE VEHICLE LICENCE** (Pages 25 - 32)

To consider a licence holder who has been convicted of offences or who has 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).

* **6 USE OF DELEGATED POWERS - REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE** (Pages 33 - 38)

To receive a verbal update on the use of Delegated Powers by the Trading Standards and Licensing Manager since the last meeting of the Sub-Committee.

(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).

7 DATE OF NEXT MEETING- 29 MARCH 2022

To note the date of the next meeting as Tuesday 29 March 2022.

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.

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Public Document Pack Agenda Item 2

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 JANUARY
2022

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

There were no declarations of interest on this occasion.

2 EXCLUSION OF PRESS AND PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from agenda item three 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 Licence.

3 MINUTES OF THE LAST MEETING HELD ON 7 DECEMBER 2021

Resolved: That the minutes of the meeting held on 7 December 2021 be approved and signed by the Chair as a correct record.

4 HORSE DRAWN HACKNEY CARRIAGE DRIVER LICENCE

The Sub-Committee considered a licence holder, C.B., who had been reported for offences and had given the Licensing Authority cause for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that C.B. had been licensed as a Horse Drawn Hackney Carriage Driver since 14 September 2021. On 22 October 2021 they had been observed by a Council Public Protection Officer driving their carriage without the vehicle sidelights in operation. C.B. was given the opportunity to resolve the issue at the roadside but as they were unable to do so the carriage was temporarily suspended from use due to public safety concerns.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 JANUARY
2022**

The following week, on 26 October, C.B. was further observed by another Public Protection Officer using the incorrect lane on the Promenade when approaching the northbound junction with Chapel Street, causing vehicles to brake when cutting into the left lane to continue straight on. In addition, the Officer reported that C.B. was holding a mobile phone and looking at the screen whilst driving as he approached the carriage.

Mr Ratcliffe expressed concerns that despite only having recently been licensed, C.B. had been reported for three offences within the space of a week. He drew the Sub-Committee's attention to the licence conditions and the Horse Drawn Hackney Carriage Policy and recommended the minimum of a suspension of C.B.'s Horse Drawn Hackney Carriage Driver licence.

C.B. appeared before the Sub-Committee accompanied by their legal representative Mr Cobain. In respect of the incident on 22 October when the sidelights were inoperative, Mr Cobain reported that the carriage was a "Cinderella" style vehicle which was fully illuminated within the dome and he therefore argued that it had been clearly visible to other road users. A lack of familiarity with the carriage had resulted in C.B. failing to switch on the front and rear sidelights but on returning to the stables for assistance this had quickly been resolved and the carriage returned to the roadway following approval from a Council Public Protection Officer.

Mr Cobain then explained the circumstances of the two reported offences on 26 October. C.B. had admitted having their mobile phone in their hand to look at the screen, however the Sub-Committee was informed that this was to briefly check the time due to an imminent changeover of horses and that it was not being used for calling or texting. In regards to the use of the incorrect lane, C.B. advised Members that when overtaking stationary vehicles such as buses, they would from time to time find themselves in the outside lane where they would continue until a vehicle let them in, rather than risk pulling the horse up to a sudden stop. On that occasion they accepted that they should have attempted to move in sooner, but stated that other vehicles' brake lights only came on because they had slowed to allow the carriage to move in when C.B. indicated and not because they had to brake sharply.

In conclusion, Mr Cobain considered that C.B.'s case was an accumulation of minor offences which, in his opinion, were less serious than the report suggested upon further examination. He explained that C.B. was an inexperienced driver who had learned from their mistakes and requested that the Sub-Committee imposed no more than a short period of suspension.

Members considered the information provided by both parties and expressed concerns that, at the time of all three reported offences, C.B. had been carrying passengers and that their actions had potentially caused public safety concerns. The Sub-Committee noted the inexperience of the driver and their remorse and on balance concluded that a four week period of suspension be imposed but that in the event of any future incidents the licence may be revoked.

Resolved: To suspend C.B.'s Horse Drawn Hackney Carriage Driver Licence for a period of four weeks.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 JANUARY
2022**

5 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 22 February 2022 at 6.00pm.

Chairman

(The meeting ended 7.07 pm)

Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Senior Adviser
Tel: (01253) 477153
E-mail: sarah.chadwick@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:	22 February 2022

HORSE DRAWN HACKNEY CARRIAGE DRIVERS AND PROPRIETORS 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.

3.2 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 referral.

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 licence holder is a fit and proper persons to hold Horse Drawn Hackney Carriage Driver and Proprietor Licences in respect of the following case:

D.S (Existing Driver and Proprietor)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 3(a) D.S. Details of case (not for publication)
Appendix 3(b) D.S. Witness Statement (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 licence holders 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	22 February 2022

HACKNEY CARRIAGE DRIVER'S 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.

3.2 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 licence holder is a fit and proper person to hold Hackney Carriage Driver Licence in respect of the following cases:

W.H.T (Existing)

6.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 4(a) to 4(c).

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 4(a) W.H.T Details of case (not for publication)
Appendix 4(b) W.H.T DVLA check (not for publication)
Appendix 4(c) W.H.T Ryan Ratcliffe Statement (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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing manager
Date of Meeting:	22 February 2022

HACKNEY CARRIAGE VEHICLE LICENCE

1.0 Purpose of the report:

1.1 To consider whether or not the licence holder is a fit and proper person to hold a Hackney Carriage Vehicle Licence.

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 vehicles are responsible for transporting passengers. It is important for the protection of the public that only suitable vehicles that are fit for purpose 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

5.0 Council priority:

5.1 The relevant Council priority is Communities: Creating stronger communities and increasing resilience.

6.0 Background information

6.1 The Sub-Committee is asked to determine whether or not the licence holder is a fit and proper person to hold a Hackney Carriage vehicle licence, in respect of the following case:

M.E.M (Existing)

- 6.2 Matters causing concern and any supporting documents are attached at Appendix 5(a)
- 6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

- 7.1 Appendix 5(a) Details of case (not for publication)
Appendix 5(b) M.E.M Ryan Ratcliffe Statement (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 licence holders remain fit and proper persons to be licensed.
- 9.2 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	22 February 2022

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

1.0 Purpose of the report:

1.1 To highlight to the Sub-Committee the use of delegated powers to suspend or revoke Hackney Carriage/Private Hire Licences following consultation with the Chairman.

2.0 Recommendation(s):

2.1 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.

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, for information only.

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 Local Government (Miscellaneous Provisions) Act 1976 provides that the Council may suspend or revoke or refuse to renew the licence of a driver of a Hackney Carriage or Private Hire vehicle on any of the following grounds:

- (a) That he has since the grant of the licence:
 - (i) Been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or
 - (b) Any other reasonable cause.
- 6.2 In August 2017, the Sub-Committee agreed changes to the delegation of powers as recent case law had confirmed that a Council cannot use the suspension of a Hackney Carriage or Private Hire driver's licence as holding operation pending further investigation. The Court held that if a Council were to suspend a licence "it must do so by way of a substantive decision on the fitness of the driver to hold the licence, after giving the driver a proper opportunity to state his case, not merely as a means by which to maintain a position pending the final outcome of the criminal proceedings."
- 6.3 It was agreed that due to changes in the officer structure that the power be allocated to the Trading Standards and Licensing Manager.
- 6.4 It was agreed therefore that the procedure work as follows:
- 6.5 That in the event of a serious concern being raised regarding the fitness of a driver to hold a Hackney Carriage or Private Hire Drivers' Licence the Trading Standards and Licensing Manager be tasked in the first instance with investigating the issue. The concern could take the form of convictions, police information or complaints from the public.
- 6.6 The driver be invited to a formal interview to discuss the area of concern with the Trading Standards and Licensing Manager and either the Chairman or Vice-Chairman of the Public Protection Sub-Committee. Consideration will then be given as to which of the following three courses of action is necessary and proportionate:
- i) That the issue is serious enough to require the revocation of the licence with immediate effect.
 - ii) That while there is a case to answer the issue is not urgent and can therefore be referred for consideration by the next meeting of the Public Protection Sub-Committee or a special meeting of that Sub-Committee.
 - iii) That no action be taken at present, this does not preclude further investigation of the issue.
- 6.7 Where the Trading Standards and Licensing Manager acts to revoke a licence, they will bring a report to the next Public Protection Sub-Committee.

6.8 The Sub-Committee is asked to note the decision taken using delegated powers on 14 February 2022 to suspend with immediate effect, the Hackney Carriage and Private Hire driver's licences, in respect of the following case:

J.H. (existing Hackney Carriage and Private Hire Driver).

6.9 Details of offences or matters causing concern and any supporting documents are attached at Appendix 6(a).

A verbal update on this case will be provided at the meeting and action taken.

6.10 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 6(a): JH - Notice of Revocation (not for publication)

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 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.

