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Blackpool Council

8 July 2022

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 19 July 2022 at 6.00 pm
in Committee Room A, 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 21 JUNE 2022

(Pages 1 - 4)

To agree the minutes of the last meeting held on 21 June 2022 as a true and correct record.

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

(Pages 5 - 28)

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

(This item contains personal information regarding applicants 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 September 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.

Public Document Pack Agenda Item 2

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 21 JUNE 2022

Present:

Councillor Hutton (in the Chair)

Councillors

Cox	Hunter	Wilshaw
Farrell	D Scott	

In Attendance:

Sharon Davies, Senior Licensing 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 24 MAY 2022

Resolved: That the minutes of the meeting held on 24 May 2022 be approved and signed by the Chair as a correct record.

3 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Ms Sharon Davies, Senior Licensing Solicitor, presented the draft Hackney Carriage and Private Hire Licensing Policy. She informed the Sub-Committee that the existing policy had been approved in 2016, therefore a full review had been undertaken which had taken into account the publication by the Department for Transport's (DfT) new Statutory Taxi and Private Hire Standards.

The Council's policy had therefore been redrafted to reflect the DfT's standards document. Ms Davies informed members that no proposals had been made to reduce the maximum age to be licensed and that as part of the proposed eight week consultation discussions would be held with operators to encourage the use of more sustainable and accessible vehicles.

A significant change outlined in the draft policy was to testing. Ms Davies explained that currently vehicles under fourteen years of age are required to have two "pit tests" a year undertaken by the Council's Central Vehicle Maintenance Unit (CVMU). For vehicles over fourteen years old this rose to three tests a year. The proposed change would see vehicles under fourteen years old undertaken one pit test followed after six month by an MOT annually. Vehicles over fourteen years old would be required to undertake one pit test and two MOTs annually. All these tests would be undertaken by the CVMU.

The report recommended that an eight week consultation on the draft policy be undertaken with hackney carriage and private hire operators and other interested parties, after which the policy would be brought back to a future meeting of the Sub-Committee for approval.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 21 JUNE 2022

The Sub-Committee discussed the maximum period for bans outlined in the policy for specific offences, noting that the ban for violence against a person was ten years while the one for possession of a weapon was only seven years. Ms Davies responded that these ban period had been based on those outlined in the Statutory Taxi and Private Hire Standards document. It was also added that if the necessary the Sub-Committee could amend these as it saw fit after the results of the consultation exercise had been received.

Overseas convictions, and the potential difficulty in obtaining relevant information regarding them was raised by members. It was also noted that the quality of convictions in some countries was significantly different than in the United Kingdom. In response Ms Davies explained that details for overseas convictions could be sought from the relevant national embassy. She also noted that as an extra safeguard overseas convictions would be brought before the Sub-Committee, which could then determine based on the available evidence if the individual concerned was a fit and proper person to hold a licence.

Resolved:

1. That the draft Hackney Carriage and Private Hire Policy be noted; and
2. That the draft policy be approved for an eight week consultation exercise with operators.

4 PRIVATE HIRE DRIVER LICENCES

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

i. DK

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of DK who had applied for a Private Hire Licence in March 2022. A Disclosure and Barring Service (DBS) check had therefore been undertaken which reported two convictions relating to the supply of drugs in 2013 and 2015. He noted that the 2015 conviction had resulted in DK receiving a three year custodial sentence suspended for six years. The Licensing Service therefore had recommended that DK's application be refused.

DK appeared before the Sub-Committee with a representative to explain the circumstances of the convictions that they had received. DK's representative explained that DK had changed their lifestyle since the last conviction and had subsequently started a family and begun to undertake community work. This had meant that the details of the offences were no longer representative of DK's character.

DK also explained that the 2015 conviction related to offences committed in 2005 in Poland, therefore the last offence committed was nearly nine years ago.

The Sub-Committee queried DK's current employment status, in response to which it was explained that they had worked as a window cleaner but had now started HGV vehicle training and had applied for a Private Hire Driver's Licence to allow them to work while they obtained a qualification.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 21 JUNE 2022

The Sub-Committee considered the information that had been provided by both parties and agreed that no information had been provided that would justify departing from the Council's Hackney Carriage and Private Hire Convictions Policy in this case. Therefore the application was refused.

Resolved: That DK's application for a Private Hire Drivers Licence be refused.

ii. KNT

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of KNT who had applied for a Private Hire Driver Licence in May 2022. He reported that KNT had previously been a licensed driver with Blackpool Council between 2008 and 2016. During that time they had been required to appear before the Sub-Committee on three occasions. The second occasion at which they had been required to appear before the Sub-Committee related to an allegation of indecent assault by a female passenger in 2012. The Sub-Committee had suspended their licence on this occasion but it had been restored when it had been decided that no charges would be brought against KNT. In 2016 KNT had appeared a third time before the Sub-Committee following an incident of verbal abuse directed against a Council Civil Enforcement Officer. At this meeting KNT's Private Hire Drivers Licence had been revoked. Mr Ratcliffe also noted that since this time KNT had continued to hold a Private Hire Vehicle Licence. The Licensing Service therefore asked that the Sub-Committee give consideration to KNT's fitness and propriety to be a licenced driver.

KNT appeared before the Sub-Committee to explain the circumstances under which they had previously attended meetings and the details of their previous convictions. They queried the inclusion in the report of details of a letter from the police in relation to the incident in 2012 which described them as engaging in a "disturbing sexual conversation". KNT stated their view that this misrepresented the circumstance of the allegations made against them and did not accurately reflect their character. They added that they had changed significantly since 2016 and now had a family to support and that their current occupation as a HGV driver negatively impacted on their family life.

In relation to the 2016 incident where they had been accused of verbal abuse against a Civil Enforcement Officer, KNT stated that the abuse had been from an individual who was with them at the time and that they had only been convicted as the Officer had misidentified them as the perpetrator. It was however noted that in 2016 the Sub-Committee had not accepted this version of events.

In relation to a spent conviction for Grievous Bodily Harm from 2001 when KNT had been serving in the armed forces, they explained that the conviction had followed a fight with another member of the armed forces who had been intoxicated and had attacked them.

The Sub-Committee considered the information that had been provided, KNT's representations and the circumstance under which KNT's previous licence had been revoked and agreed that they could not be considered a fit and proper person to hold a Private Hire Driver Licence.

Resolved: That KNT's application for a Private Hire Driver Licence be refused.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 21 JUNE 2022

5 DATES OF NEXT MEETINGS

The date and time of the next meeting of the Sub-Committee was agreed as Tuesday, 12 July 2022 at 6.00pm.

Chairman

(The meeting ended 6.55 pm)

Any queries regarding these minutes, please contact:
John Greenbank, Democratic Governance Senior Adviser
Tel: (01253) 477229
E-mail: john.greenbank@blackpool.gov.uk

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	19 July 2022

PRIVATE HIRE AND HACKNEY CARRIAGE 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 applications 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 Private Hire or Hackney Carriage driver licences in respect of the following cases:

E.S.T (New Private Hire Driver)

A.P (New Private Hire Driver)
K.B (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(i).

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 3(a) E.S.T Details of case (not for publication)
Appendix 3(b) E.S.T DBS enhanced certificate (not for publication)
Appendix 3(c) E.S.T DBS basic certificate (not for publication)
Appendix 3(d) E.S.T DVLA Check (not for publication)
Appendix 3(e) E.S.T Application form (not for publication)
Appendix 3(f) A.P Details of case (not for publication)
Appendix 3(g) A.P DBS certificate (not for publication)
Appendix 3(h) K.B Details of Case (not for publication)
Appendix 3(i) K.B Child Protection Intelligence Report (not for publication)

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 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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