

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 7
SEPTEMBER 2022**

Present:

Councillor D Scott (in the Chair)

Councillors

Cox	Hunter	Wilshaw
Critchley		

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 items 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 five, Private Hire and Hackney Carriage Driver Licences and agenda item six, Horse Drawn Hackney Carriage Driver Licence.

3 MINUTES OF THE MEETING HELD ON 12 JULY 2022

The Sub-Committee considered the minutes of the meeting held on 12 July 2022.

Resolved: That the minutes of the meeting held on 12 July 2022 be approved and signed by the Chairman as a correct record.

4 MINUTES OF THE MEETING HELD ON 19 JULY 2022

The Sub-Committee considered the minutes of the meeting held on 19 July 2022.

Resolved: That the minutes of the meeting held on 19 July 2022 be approved and signed by the Chairman as a correct record.

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5 MINUTES OF THE MEETING HELD ON 2 AUGUST 2022

The Sub-Committee considered the minutes of the meeting held on 2 August 2022.

Resolved: That the minutes of the meeting held on 2 August 2022 be approved and signed by the Chairman as a correct record.

6 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES

The Sub-Committee considered applicants for new Private Hire and Hackney Carriage Driver Licences who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

i) DSC

The Sub-Committee considered an application from DSC for a new Private Hire Driver's Licence. Mr Ryan Ratcliffe, Licensing Enforcement Officer, informed Members that DSC's Solicitor had contacted the Licensing Service to request that the application was deferred due to him being unavailable to attend the meeting.

The Sub-Committee considered the request and agreed to defer consideration to its next ordinary meeting.

Resolved: That consideration of the application for a new Private Hire Driver's licence for DSC be deferred to the next meeting on 4 October 2022.

ii) KB

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that KB had applied for new Hackney Carriage and Private Hire Driver licences in February 2022. As part of the application process all new applicants were vetted by Blackpool Council's Child Protection Licensing Officer who had submitted an intelligence report on 14 March 2022 raising concerns in respect of KB and alleged inappropriate behaviour towards a young person. Although no information had been disclosed separately by the Chief Officer of Police on the Disclosure and Barring Certificate, nor had KB been charged or convicted of any offence, Mr Ratcliffe considered that the nature of the intelligence received raised serious concerns over their fitness and propriety to hold a licence. Referring to sections 1.3, 16.2 and 16.4 of the Hackney Carriage and Private Hire Convictions Policy, Mr Ratcliffe recommended that, although KB had not been convicted of an offence, consideration should still be given to refusing the application even if the applicant had not been charged by the Police.

KB appeared before the Sub-Committee accompanied by the parent of the young person who endorsed the character of KB by stating that they should be considered a fit and proper person to be granted a licence. KB advised Members that they had never been in trouble with the authorities previously and that they had applied for a taxi driver licence

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due to recent knee surgery which prevented them from being able to undertake their current physically demanding job as easily.

KB agreed that the information provided in the intelligence report was factually correct and went on to explain the circumstances, advising members that they had been attempting to help the young person who had led a troubled lifestyle and that in their opinion their actions had been misinterpreted by the authorities. However, they accepted that a text message sent by KB to the young person had been inappropriate and regret was expressed for the incident.

The Sub-Committee carefully considered the information presented by all parties. Members noted that KB had not been convicted of any offence and acknowledged the character endorsement provided by the parent of the young person. However, concerns were expressed about the nature of the intelligence provided and, having taken into consideration the Hackney Carriage and Private Hire Convictions Policy, decided on balance that KB was not a fit and proper person to hold a licence.

Resolved: That the application for new Private Hire and Hackney Carriage Driver Licences for KB be refused.

iii) AC

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of AC who had made an application for a Private Hire Driver's Licence in June 2022. The Enhanced DBS certificate submitted as part of the application process had disclosed that AC had six convictions for eight separate offences between June 2012 and August 2021 in relation to drugs offences and failure to comply with Community Orders imposed as a result of those offences. In addition, a DVLA check had revealed that in July 2021 AC had been convicted of an MS90 (failure to give information as to identity of driver etc) which resulted in 6 penalty points on their DVLA driving licence. Furthermore, Mr Ratcliffe reported that AC had failed to disclose their full conviction history on their application form.

Referring to Blackpool Council's Hackney Carriage and Private Hire Convictions Policy, in particular that a licence would not normally be granted if an applicant had more than one conviction for a drugs related offence or if they had omitted information from their application, Mr Ratcliffe therefore recommended that Members refused the application.

AC appeared before the Sub-Committee and explained that they had not been aware that the full history of convictions had to be declared on their application form, particularly as a previous Basic Disclosure check had only disclosed unspent convictions. In relation to the drugs related convictions from 2012 and 2013, AC advised members that they had occurred during a difficult period in their life following the death of their father and birth of their daughter and regret was expressed for their actions at that time. Members were advised that the most recent conviction from 2021 was a result of small quantity of cannabis being found at the family business for which AC bore no responsibility but accepted the charge to protect other family members.

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Referring to the driving offence, AC explained that the conviction had come about whilst selling their vehicle and a potential purchaser had been caught speeding whilst test-driving the car. As AC had been in the process of moving house at that time, correspondence with the Police identifying the driver had not been received which led to AC being charged with failing to identify the driver. AC highlighted that they had not received any other driving convictions and that they had recently secured employment in the care sector who had expressed trust in their character despite the convictions. AC therefore requested that Members granted the application.

The Sub-Committee carefully considered the evidence submitted by both parties alongside the Hackney Carriage and Private Hire Convictions Policy. Members noted the applicant's regret however expressed concern over the number of convictions accumulated by AC, particularly the number of drugs related offences, and were not convinced that the case presented by the applicant was sufficient to warrant departure from the policy. They therefore agreed on balance to refuse the application.

Resolved:

That the application for a new Private Hire Driver Licence for AC be refused.

7 HORSE DRAWN HACKNEY CARRIAGE DRIVER LICENCE

The Sub-Committee considered the case of CJWS, an existing Horse Drawn Hackney Carriage Driver, who had been convicted of offences or who had otherwise given reasons for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that CJWS had appeared before the Sub-Committee on numerous previous occasions, most recently in August 2019 when they had received a six week suspension and were issued with a severe warning letter following a conviction for ABH.

In July 2022 a scheduled DVLA check had revealed that CJWS had been convicted of using a vehicle whilst uninsured, which had not been reported to the Licensing Service as required by condition 1 of the Horse Drawn Hackney Carriage Driver Licence, and they currently had a total of 9 points on their DVLA driving licence. In the same month CJWS had been issued with an enforcement warning letter having been observed using their mobile phone whilst in control of a Horse Drawn Hackney Carriage Vehicle.

Referring to Blackpool Council's Horse Drawn Hackney Carriage Convictions Policy, Mr Ratcliffe reminded members that a serious view should be taken of convictions of driving without insurance. The failure to disclose that conviction together with the warning received for using a mobile phone whilst their carriage was in motion led Mr Ratcliffe to express concerns that CJWS had demonstrated a continued unwillingness to comply with the conditions of their licence and he therefore recommended the minimum of a two week suspension was imposed.

CJWS attended the meeting accompanied by their legal representative, Mr Alan Cobain, who explained the circumstances of the previous incidents for which CJWS had appeared

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before the Sub-Committee. Although when considered cumulatively he accepted that they did not paint a positive picture of his client, he explained that there were mitigating circumstances for each incident which, in his opinion, when considered in isolation were minor transgressions.

In relation to the recent conviction of driving without insurance, Mr Cobain informed members that a misinterpretation of the conditions of CJWS' own motor insurance policy had led them to believe they would be insured on a third party basis to drive their late father's vehicle. The Sub-Committee was informed that, having been flagged by the Police, CJWS was dismayed to learn that was not the case but accepted the offence for which they received 6 points on their driving licence. Referring to the enforcement warning letter that had been issued for use of a mobile phone whilst their carriage was in motion, Mr Cobain stated that the phone had been used in loudspeaker mode and was not being held by CJWS while driving and was therefore akin to a phone being used in "hands-free" mode in a motor vehicle.

Mr Cobain concluded that CJWS was a hard-working individual who had expressed remorse for the incidents and requested that the Sub-Committee did not impose a suspension as it would take effect during the busy Illuminations period when CJWS earned the majority of their takings for the year.

The Sub-Committee carefully considered the information provided by both parties. It noted the numerous previous appearances made by CJWS before the Sub-Committee and accepted that a number of the incidents for which they appeared could individually be considered as relatively minor transgressions. Members acknowledged the financial impact of a suspension during the Illuminations period, however were concerned at CJWS' continued failure to comply with the licence conditions and, having considered the Horse Drawn Hackney Convictions Policy and Driver Licence conditions, agreed on balance that a two week suspension was reasonable.

Resolved:

To suspend CJWS' Horse Drawn Hackney Carriage Driver Licence for a period of two weeks.

8 DATES OF NEXT MEETINGS

The date of the next ordinary meeting was confirmed as 4 October 2022.

The Sub-Committee noted that a special meeting to consider the Hackney Carriage and Private Hire Licensing Policy and consultation responses was scheduled to be held on 19 September 2022.

[Note – following the passing of Her Late Majesty Queen Elizabeth II members were notified that this meeting was cancelled and that the Policy would be considered instead at the next ordinary meeting on 4 October 2022.]

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Chairman

(The meeting ended 7.35 pm)

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