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Blackpool Council

20 October 2022

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 1 November 2022 at 6.00 pm
in Committee Room A, 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 4 OCTOBER 2022

(Pages 1 - 4)

To agree the minutes of the last meeting held on 4 October 2022 as a true and correct record.

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

(Pages 5 - 22)

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

4 DATE OF NEXT MEETING

To note the date of the next meeting as 6 December 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 4 OCTOBER 2022

Present:

Councillor D Scott (in the Chair)

Councillors

Farrell	O'Hara
Hunter	Wilshaw

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor
Sharon Davies, Senior Licensing Solicitor
Lee Petrak, Licensing and Trading Standards Manager

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 four 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 four, Private Hire Driver Licence.

3 MINUTES OF THE LAST MEETING HELD ON 7 SEPTEMBER 2022

The Sub-Committee considered the minutes of the meeting held on 7 September 2022.

Resolved: That the minutes of the meeting held on 7 September 2022 be approved and signed by the Chairman as a correct record.

4 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

Mrs Sharon Davies, Senior Licensing Solicitor, presented the proposed Hackney Carriage and Private Hire Licensing Policy which the Sub-Committee had first considered at its meeting on 21 June 2022 when it had approved a period of consultation.

That consultation period had run from July to September when comments had been

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invited via the website and meetings had been held with trade representatives, following which a number of written responses had been received including from the National Private Hire and Taxi Association. Mrs Davies reported that the engagement with the trade had generally been positive and that it was supportive of some of the proposed changes such as the amendment to the frequency and testing requirements for MOTs and pit tests.

Concerns had been raised regarding the policy on convictions for use of hand-held devices while driving, with drivers fearful that a conviction for using their PDA in the course of their duties subsequently risked revocation of their licence. Those concerns had been noted and amendments had been made to the draft policy to allow the Sub-Committee more flexibility when considering such convictions. Mr Lee Petrak, Trading Standards and Licensing Manager, added that some of the concerns might be unfounded as his advice was that generally a driver would not receive a conviction for use of a PDA when the device was securely cradled.

A number of other changes had been made, including the removal of outdated CCTV requirements which would require new guidance to be developed in future. No changes had been made to the Vehicle Specification and Exceptional Quality Policy appendices however it was acknowledged that those documents would benefit from a full review which Mr Petrak hoped to progress by the end of the year. Mrs Davies advised the Sub-Committee that the draft Policy had also been considered by the Council's Corporate Leadership Team and as a result the Director of Adult Services had requested that the terminology in the section on safeguarding be amended to refer to both children and vulnerable people.

The Sub-Committee welcomed the engagement that had taken place with the trade and acknowledged the concerns that had been raised, welcoming the amendments that had been made to the proposed policy as a result. It therefore agreed to recommend it to the Licensing Committee for onward recommendation to the Executive for adoption, subject to the section on safeguarding being amended to make reference to both children and vulnerable people.

Resolved: To recommend the proposed Hackney Carriage and Private Hire Licensing Policy to the Licensing Committee for recommendation to the Executive for adoption, subject to the section on safeguarding being amended to make reference to both children and vulnerable people.

5 PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered an application from DSC who had applied for a Private Hire driver licence on 23 April 2022 and who had been convicted of offences or had otherwise given reasons for concern.

Mr Lee Petrak, Trading Standards and Licensing Manger, presented the case and explained that the Disclosure and Barring Service (DBS) certificate submitted with DSC's application revealed four convictions for five separate offences between October 1982

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and May 2019 including assault, theft and GBH. In addition, a DVLA check completed as part of the application process revealed that DSC had been convicted of an IN10 (using a vehicle uninsured against third party risks) in 2020 following which they had received 6 penalty points on their DVLA driving licence.

Mr Petrak acknowledged that the majority of the offences were of a historical nature but highlighted that the final conviction for assault was in May 2019 and that a serious view should be taken of the conviction for driving without insurance. Referring to Blackpool Council's Hackney Carriage and Private Hire Convictions Policy he urged the Sub-Committee to give careful consideration to DSC's fitness and propriety to drive given their overall conviction history and more recent motoring offence and recommended that the application was refused.

DSC appeared before the Sub-Committee accompanied by their legal representative Mr Gerry Coyle who explained the circumstances of the most recent conviction in May 2019 which related to a domestic incident which had taken place in December 2018 following an argument with DSC's spouse over their addiction problems. Although it was accepted that DSC had struck out, Mr Coyle indicated that this was in self-defence and explained that the delay between offence and conviction was due to DSC's spouse passing away and DSC subsequently being admitted to hospital with a breakdown.

In regards to the conviction of driving without insurance, Mr Coyle presented a letter from DSC's insurance company which explained that DSC's policy had been cancelled as DSC had been uncontactable when the policy had come up for renewal. This had been due to DSC being in hospital at that time and upon their discharge from hospital DSC had driven their vehicle on the mistaken assumption that the policy had been auto-renewed, for which they were apologetic.

Letters were presented to the Sub-Committee endorsing DSC's character including from the church they attended and from C Cabs, who had offered employment to DSC if the licence was granted. Mr Coyle acknowledged DSC's historical convictions however assured members that they had now overcome a difficult period and were eager to move on with their life with the support of family and friends. Addressing the Sub-Committee directly DSC explained that they had previously worked as a taxi driver approximately 20 years ago during which time they had an unblemished record and wanted to return to employment and contribute to society rather than be reliant on benefits.

Members carefully considered the information presented by all parties. They noted that DSC had a number of criminal convictions however acknowledged that most were of a historical nature and noted the mitigating circumstances of the conviction of driving without insurance. Referring to the Hackney Carriage and Private Hire Convictions Policy the Sub-Committee noted that the last criminal conviction had been delayed going to trial and that more than three years had now passed since that offence. It therefore agreed on balance to grant the licence but to issue a strict warning letter that in the event of any future incident the licence may be suspended or revoked.

Resolved: That DSC's Private Hire Driver Licence be granted with a strict warning letter

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that in the event of any future misconduct the licence may be suspended or revoked.

6 DATE OF NEXT MEETING

The date of the next meeting was noted as 1 November 2022.

Chairman

(The meeting ended 6.58 pm)

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

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	1 November 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 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 Private Hire and Hackney Carriage driver licences in respect of the following cases:

P.B.H. (Existing driver)

M.D.B. (New applicant)

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

6.3 Does the information submitted include any exempt information? Yes

The appendices in this report are exempt from publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

7.0 List of Appendices:

- 7.1 Appendix 3(a) P.B.H. Details of case (not for publication)
- Appendix 3(b) P.B.H. DVLA Check (not for publication)
- Appendix 3(c) M.D.B. Details of Case (not for publication)
- Appendix 3(d) M.D.B. DBS enhanced certificate (not for publication)
- Appendix 3(e) M.D.B. Application form (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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