

Blackpool Council

25 November 2022

To: Councillors Farrell, Hunter, Hutton, D Scott and Wilshaw (subject to confirmation at Licensing Committee)

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 6 December 2022 at 6.15 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 1 NOVEMBER 2022

(Pages 1 - 4)

To agree the minutes of the last meeting held on 1 November 2022 as a true and correct record.

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

(Pages 5 - 16)

To consider an applicant and an existing Licence Holder 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 17 January 2023.

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, 1 NOVEMBER 2022

Present:

Councillor Hutton (in the Chair)

Councillors

Critchley

Hunter

Wilshaw

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor

Sharon Davies, Senior Licensing Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 EXCLUSION OF PUBLIC AND PRESS

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, Private Hire and Hackney Carriage Driver Licences.

3 MINUTES OF THE LAST MEETING HELD ON 4 OCTOBER 2022

The Sub-Committee considered the minutes of the last meeting held on 4 October 2022.

Resolved: That the minutes of the meeting held on 4 October 2022 be approved and signed by the Chairman as a correct record.

4 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES

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

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 1 NOVEMBER
2022**

i) PBH

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of PBH who was an existing Hackney Carriage Driver, having been licensed since October 2004. Following a routine check in October 2022 the Licensing Service had received notification that PBH's DVLA driver status had been changed to high risk following a CU80 conviction for using a mobile phone whilst driving in June 2022 for which they had received 6 penalty points. In addition, PBH had not notified the Licensing Service of that conviction in accordance with Blackpool Council's Hackney Carriage and Private Hire Convictions Policy.

PBH had previously appeared before the Sub-Committee in March 2009 for use of a mobile telephone whilst driving and again in December 2013 following a conviction for battery when severe warning letters were issued on both occasions. Mr Ratcliffe acknowledged that PBH had had a reasonable record since 2013 however, referring to the Hackney Carriage and Private Hire Convictions Policy which stated that a serious view should be taken of convictions for driving whilst using a mobile phone, he recommended the minimum of a strict warning be issued.

Appearing before the Sub-Committee PBH explained that the offence had occurred whilst they had been driving their private car, not a licensed vehicle, and therefore no passengers were being carried at the time. PBH had been distracted by their mother's ongoing health concerns, the worry from which had led to them suffering from depression, and they had answered the phone whilst driving as they had been expecting a call from the hospital. PBH admitted that had been a mistake, as had the failure to report the conviction to the Licensing Service, but that they had not been thinking straight due to those worries. Treatment had since been sought from their GP for depression and PBH had been on a course of medication for approximately three months which had helped the symptoms.

The Sub-Committee carefully considered the information provided by both parties. Members noted PBH's mitigating circumstances but were mindful that it was not their first appearance before the Sub-Committee and that warning letters had been issued on two previous occasions. Concerns were also expressed about PBH's current fitness to drive and whether they could be similarly distracted in future whilst carrying passengers. It was therefore agreed to issue a severe warning letter and to request that PBH presents a medical certificate proving their fitness to drive to the Licensing Service within 21 days or their licence would be suspended.

Resolved:

1. That PBH be issued with a severe warning letter that in the event of any future misconduct their Hackney Carriage Driver Licence may be suspended or revoked.
2. That PBH presents a medical certificate to the Licensing Service within 21 days proving their fitness to drive.
3. To give delegated powers to the Trading Standards and Licensing Manager to suspend PBH's Hackney Carriage Driver Licence if a medical certificate was not presented within 21 days.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 1 NOVEMBER 2022

ii) MDB

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of MDB who had applied for a new Private Hire Driver Licence in August 2022. The enhanced Disclosure and Barring Service certificate received as part of the application process had revealed convictions for driving a vehicle with excess alcohol in June 2013, for which MDB had received a 22 month disqualification from driving, and for driving a vehicle whilst disqualified and uninsured in December 2013. Mr Ratcliffe added that MDB had failed to disclose their conviction history on their application form.

Referring the Sub-Committee to the Hackney Carriage and Private Hire Convictions Policy, Mr Ratcliffe acknowledged that in isolation those convictions did not meet the criteria to be considered under that policy. However, as the second offence was as a result of the first, and as MDB had failed to disclose them at the time of application, Mr Ratcliffe asked the Sub-Committee to give careful consideration to the case and recommended that if it was minded to grant the application that it did so with the minimum of a strict warning.

MDB appeared before the Sub-Committee and stated that the incidents had not been disclosed at the time of application due to the incorrect belief that convictions normally regarded as spent did not need to be declared.

The circumstances of each offence was explained to members. The drink driving conviction had occurred when MDB had driven to collect their daughter from a concert as a lack of available taxis had meant she had been unable to find safe transport home. The subsequent conviction for driving whilst disqualified had occurred on New Year's Eve when MDB's partner had been taken ill and due to a lack of available taxis they had driven to the chemist to obtain the required medication. Remorse was expressed for both incidents and MDB assured the Sub-Committee that similar issues would not occur again.

Members considered the case carefully and noted the sincerity expressed by MDB when declaring their regret for the incidents. Concern was expressed as to the failure to disclose the convictions however on balance the Sub-Committee agreed that MDB was a fit and proper person to be licensed and therefore granted the application with a strict warning that in the event of any future misconduct the licence may be suspended or revoked.

Resolved:

That MDB's Private Hire Driver Licence be granted with a strict warning letter that in the event of any future misconduct the licence may be suspended or revoked.

5 DATE OF NEXT MEETING

The date of the next meeting was noted as 6 December 2022.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 1 NOVEMBER
2022**

(The meeting ended 6.41 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:	6 December 2022

PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES

1.0 Purpose of the report:

- 1.1 To consider an applicant and an existing Licence Holder 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 applicant and existing licence holder are fit and proper persons to hold Hackney Carriage and Private Hire Driver licences in respect of the following cases:

R.M.P (New Application for Hackney Carriage Driver Licence)
J.L.C (Existing Licence for 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(e).

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

- 7.1 Appendix 3(a) R.M.P Details of case (not for publication)
Appendix 3(b) R.M.P DVLA Check (not for publication)
Appendix 3(c) R.M.P Application form (not for publication)
Appendix 3(d) J.L.C Details of Case (not for publication)
Appendix 3(e) J.L.C DBS enhanced certificate (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 applicant and existing Licence Holder are fit and proper persons to be licensed or to successfully renew the existing licence.

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.