

Public Document Pack

Blackpool Council

9 January 2023

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 17 January 2023 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 6 DECEMBER 2022 (Pages 1 - 4)

To agree the minutes of the last meeting held on 6 December 2022 as a true and correct record.

3 TAXI FARES - BLACKPOOL LICENSED TAXI OPERATORS ASSOCIATION (B.L.T.O.A.) SUBMISSION (Pages 5 - 16)

To consider an application by Blackpool Licensed Taxi Operators Association (B.L.T.O.A) for proposed changes to the Blackpool Hackney Carriage tariffs to commence in February 2023.

* **4 HACKNEY CARRIAGE DRIVER LICENCES** (Pages 17 - 28)

To consider an applicant and a licence holder who have been convicted of offences or who have otherwise given reasons for concern.

* **5 USE OF DELEGATION OF POWERS - REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE** (Pages 29 - 34)

To highlight to the Sub-Committee the use of delegated powers to revoke Private Hire and Hackney Carriage Driver Licences following use of delegated powers exercised by the Trading Standards and Licensing Manager

6 DATE OF NEXT MEETING

To note the date of the next meeting as 21 February 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 DECEMBER 2022

Present:

Councillors

Farrell	Hutton	Wilshaw
Hunter	D Scott	

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager
Sharon Davies, Senior Licensing Solicitor

1 APPOINTMENT OF CHAIRMAN

Further to the Licensing Committee meeting on the 6 December 2022 where the Committee agree to the formation of a Public Protection Sub Committee for the remainder of the Municipal Year 2022/23. The Sub-Committee had been recommended to consider the appointment of a Chairman for the remainder of the Municipal Year.

Resolved:

That Councillor Hutton be appointed Chairman of the Public Protection Sub-Committee for the remainder of the Municipal Year 2022/23.

(Councillor Hutton took the Chair from this point onwards.)

2 APPOINTMENT OF VICE-CHAIRMAN

Further to the Licensing Committee meeting on the 6 December 2022 where the Committee agree to the formation of a Public Protection Sub Committee for the remainder of the Municipal Year 2022/23. The Sub-Committee had been recommended to consider the appointment of a Vice-Chairman for the remainder of the Municipal Year.

Resolved:

That Councillor D Scott be appointed Vice-Chairman of the Public Protection Sub-Committee for the remainder of Municipal Year 2022/23.

3 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

4 EXCLUSION OF THE 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 DECEMBER 2022

It was 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 Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the whole item, including the decisions referred to at Agenda item 3- Hackney Carriage and Private Hire Driver's Licences on the grounds that it would involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act and the public interest was not served by making this information public.

5 MINUTES OF THE LAST MEETING HELD ON 1 NOVEMBER 2022

The Sub-Committee considered the minutes of the last meeting held on 1 November 2022.

Resolved: That the minutes of the meeting held on 1 November 2022 be approved and signed by the Chairman as a correct record.

6 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.

i) RMP

The Sub-Committee considered a case in respect of RMP a new application for a Hackney Carriage driving licence. It noted that RMP was not in attendance and considered that it would be beneficial if consideration could be deferred to the next meeting to enable him to attend.

Resolved:

That consideration of the Hackney Carriage Licence application in respect of RMP be deferred to the meeting of the Sub-Committee on the 17 January 2023.

ii) JLC

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of JLC who had applied for a renewal of his Hackney Carriage and Private Hire Driver Licence in August 2022. The application form for the renewal and the accompanying certificate from the Disclosure and Barring Service had identified a police caution in December 2019 for the possession of a class b drug namely cannabis. Mr Radcliffe highlighted that during the period that JLC previously licensed between December 2018 and December 2021, they had failed to notify the Licensing Service of the Police Caution during that period. Mr Radcliffe also reminded the Sub-Committee of section 10.3 and 17.1 of the Hackney Carriage and Private Hire Convictions Policy, in relation to offences involving drugs and cautions respectively, which stated: 10.3 An applicant who has an isolated conviction for

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 DECEMBER
2022**

an offence related to the possession of drugs (other than for supply) may be granted a licence once the following time periods have passed since the completion of any sentence, but consideration should be given to the nature and quantity of the drugs namely for Class B/C 3 years.

JLC was in attendance and made representations to the Sub-Committee. JLC expressed regret for the incident and explained it was a one-off incident concerning a small quantity of the drugs. JLC further explained that he regretted not declaring the offence which had happened as he was not working as a licensed driver at the time.

The Sub-Committee considered carefully the evidence submitted by both parties and the Hackney Carriage and Private Hire Licensing Policy. It considered refusing the application but balanced that with the fact that the incident took place in 2018 and concerned a relatively small quantity. 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 JLC's Hackney Carriage and 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.

7 DATE OF NEXT MEETING

The date of the next meeting was noted as 17 January 2023.

Chairman

(The meeting ended 6.40 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:	17 January 2023

TAXI FARES - BLACKPOOL LICENSED TAXI OPERATORS ASSOCIATION (B.L.T.O.A.) SUBMISSION

1.0 Purpose of the report:

1.1 To consider an application by Blackpool Licensed Taxi Operators Association (B.L.T.O.A) for proposed changes to the Blackpool Hackney Carriage tariffs to commence in February 2023.

2.0 Recommendation(s):

2.1 To consider the proposed changes to the Blackpool Hackney Carriage Tariff as proposed by Blackpool Licensed Taxi Operators Association namely:

- i. That a change be made to the yardage and maximum tariffs as outlined in the table attached in Appendix 3(a).
- ii. To change the taxi meter waiting time for Tariff 1 from 20p every 35 seconds to 20p every 30 seconds.
- iii. That the start time for Tariff 2 which is currently 9pm Monday to Friday is brought forward to 8pm Monday to Friday.
- iv. That an additional charge of 90p be made for the carriage of cycles.
- v. That the cleaning charge for passengers that soil the taxi be increased from £40 to £50.
- vi. That the Tariff 4 to now be effective from 10pm on the 24th December to 6am on the 27th December and 10pm on the 31st December to 6am on the 2nd January.
- vii. That Tariff 2 to be the minimum fare effective between 27th December and 29th December.

viii. To agree to the continuation of the 30p fuel surcharge until 31st March 2024 as detailed at Paragraph 6.7.

2.2 Subject to 2.1 To approve the fare increase for advertisement and if no objections are received to authorise the Trading Standards and Licensing Manager to implement the fare increase.

3.0 Reasons for recommendation(s):

3.1 The last fare increase was approved by the Sub-Committee in September 2021. In addition, in March 2022 an incremental surcharge was introduced to assist the trade in respect of the escalating cost of fuel.

According to Government statistics, the current situation regarding fuel costs indicates that the cost of a litre of fuel is decreasing. The cost of a litre of petrol is decreasing at a faster rate than diesel. The vast majority of Hackney Carriages use Diesel fuel. Despite this, fuel costs still appear to be unstable and the overall price of fuel is significantly higher per litre than it was when the Committee last considered the current fare structure in 2021.

The trade reports that operating costs are increasing. They report that vehicle insurance costs have increased between 10-25%. They also report that maintenance costs have risen between 20-90%. The trade report that rising vehicle costs have also impacted on the sourcing of replacement and new vehicles. The Trading Standards and Licensing Manager does not consider the proposals to be unreasonable in the present economic climate.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? Yes

3.3 Is the recommendation in accordance with the Council's approved budget? No

4.0 Other alternative options to be considered:

4.1 No changes to be introduced and the Blackpool Hackney Carriage tariffs to remain the same.

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 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 delegates discretionary powers to local authorities to fix Hackney Carriage fares in their district. A proposal has been received by B.L.T.O.A to review current taxi fares. A proposal to increase the overall fares to be charged to that outlined in Appendix 3a. The proposal also includes the following additions and amendments. Outlined below in paragraphs 6.2 to 6.7.

6.2 *The waiting time is changed from 20p every 35 seconds to 20p every 30 seconds.*

It is the opinion of B.L.T.O.A this increase will assist drivers to offset rising costs without unduly raising fares. This change will achieve parity with all other tariffs.

6.3 *Tariff 2 that is currently effective from 9pm Monday to Friday is brought forward to 8pm Monday to Friday.*

It is the opinion of B.L.T.O.A that This change will assist the Hackney Carriage trade in being marginally more competitive with the Private Hire trade, who are not subject to the same charging restrictions.

6.4 *A new Extra charge for carrying cycles for 90p*

B.L.T.O.A reports that cycles take up significant space in the vehicle and therefore propose this nominal extra charge in line with other charges.

6.5 *The Cleaning charge for passengers that soil the taxi be increased from £40 to £50.*

B.L.T.O.A believe this is a reasonable charge for what can be a time consuming, difficult and offensive task for drivers.

6.6 *Tariff 4 to be effective from 10pm on the 24th December to 6am on the 27th December and 10pm on the 31st December to 6am on the 2nd January. And Tariff 2 to be the minimum fare effective between 27th December and 29th December.*

It is the view of Blackpool Licensed Taxi Operators Association that the proposed amendments will assist the Hackney Carriage trade in being more competitive with the Private Hire trade during the festive season.

6.7 *Continuation of the fuel surcharge until 31st March 2024*

The uncertainty around the cost of fuel makes it difficult to propose any longer term proposals at this time and it is therefore considered reasonable by the Licensing Service to continue the fuel surcharge which was agreed on in March of 2022 as an incremental structure. Given the original implementation of the surcharge was as a short term measure if its continuation until March 2024 is agreed by the Sub- Committee then it is proposed to also more deeply integrate it into the fare chart for clarity.

Diesel

- i. £1.50 or above 1 extra surcharge of 30p to be added for each journey
- ii. £1.65 or above – 2 extras added.
- iii. £1.80 or above – 3 extras added.
- iv. £1.95 or above – 4 extras added.

Unleaded

- v. £1.48 or above 1 extra surcharge of 30p to be added for each journey
- vi. £1.63 or above – 2 extras added.
- vii. £1.78 or above – 3 extras added.
- viii. £1.93 or above – 4 extras added.

6.8 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 Appendix 3a Fares Proposed by BLTOA 2022 – 2023.
Appendix 3b Justification and Details.

8.0 Financial considerations:

8.1 None

9.0 Legal considerations:

9.1 The Head of Legal will be represented to advise the Sub Committee.

9.2 The proposal, if granted by the Sub-Committee, will need to be advertised before it can be implemented.

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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PROPOSED TAXI FARES 2022/23**Appendix 3a****This table used to calculate the increase**

Tariff 1 - 1 person £2.60 start for up to 168 yards and every subsequent 168 yards 20p.		Tariff 2 - 1 person £2.60 start for up to 130 yards and every subsequent 130 yards 20p.		Tariff 3 - 1 person £3.20 start for up to 130 yards and every subsequent 130 yards 20p.	
Start	2.60	Start	2.60	Start	3.20
168	2.80	130	2.80	130	3.40
336	3.00	260	3.00	260	3.60
504	3.20	390	3.20	390	3.80
672	3.40	520	3.40	520	4.00
840	3.60	650	3.60	650	4.20
1008	3.80	780	3.80	780	4.40
1176	4.00	910	4.00	910	4.60
1344	4.20	1040	4.20	1040	4.80
1512	4.40	1170	4.40	1170	5.00
1680	4.60	1300	4.60	1300	5.20
1848	4.80	1430	4.80	1430	5.40
2016	5.00	1560	5.00	1560	5.60
2184	5.20	1690	5.20	1690	5.80
2352	5.40	1820	5.40	1820	6.00
2520	5.60	1950	5.60	1950	6.20
2688	5.80	2080	5.80	2080	6.40
2856	6.00	2210	6.00	2210	6.60
3024	6.20	2340	6.20	2340	6.80
3192	6.40	2470	6.40	2470	7.00
3360	6.60	2600	6.60	2600	7.20
3528	6.80	2730	6.80	2730	7.40
3696	7.00	2860	7.00	2860	7.60
3864	7.20	2990	7.20	2990	7.80
4032	7.40	3120	7.40	3120	8.00
4200	7.60	3250	7.60	3250	8.20
4368	7.80	3380	7.80	3380	8.40
4536	8.00	3510	8.00	3510	8.60
4704	8.20	3640	8.20	3640	8.80
4872	8.40	3770	8.40	3770	9.00
5040	8.60	3900	8.60	3900	9.20
5208	8.80	4030	8.80	4030	9.40
5376	9.00	4160	9.00	4160	9.60
5544	9.20	4290	9.20	4290	9.80
5712	9.40	4420	9.40	4420	10.00
5880	9.60	4550	9.60	4550	10.20
6048	9.80	4680	9.80	4680	10.40
6216	10.00	4810	10.00	4810	10.60
6384	10.20	4940	10.20	4940	10.80
6552	10.40	5070	10.40	5070	11.00
6720	10.60	5200	10.60	5200	11.20
6888	10.80	5330	10.80	5330	11.40
7056	11.00	5460	11.00	5460	11.60
7224	11.20	5590	11.20	5590	11.80
7392	11.40	5720	11.40	5720	12.00
7560	11.60	5850	11.60	5850	12.20
7728	11.80	5980	11.80	5980	12.40

7896	12.00	6110	12.00	6110	12.60
8064	12.20	6240	12.20	6240	12.80
8232	12.40	6370	12.40	6370	13.00
8400	12.60	6500	12.60	6500	13.20
8568	12.80	6630	12.80	6630	13.40
8736	13.00	6760	13.00	6760	13.60
8904	13.20	6890	13.20	6890	13.80
		7020	13.40	7020	14.00
		7150	13.60	7150	14.20
		7280	13.80	7280	14.40
		7410	14.00	7410	14.60
		7540	14.20	7540	14.80
		7670	14.40	7670	15.00
		7800	14.60	7800	15.20
		7930	14.80	7930	15.40
		8060	15.00	8060	15.60
		8190	15.20	8190	15.80
		8320	15.40	8320	16.00
		8450	15.60	8450	16.20
		8580	15.80	8580	16.40
		8710	16.00	8710	16.60
		8840	16.20	8840	16.80

What this means			
	Tariff 1	Tariff 2	Tariff 3
1 mile (1760 yards)	Currently £4.20 Proposed £4.60 Increase 40p (9.52%)	Currently £4.80 Proposed £5.40 Increase 60p (12.5%)	Currently £5.40 Proposed £5.80 Increase 40p (7.41%)
2 miles (3520 yards)	Currently £6.00 Proposed £6.60 Increase 60p (10%)	Currently £7.40 Proposed £8.00 Increase 60p (8.11%)	Currently £8.00 Proposed £8.60 Increase 60p (7.5%)
3 miles (5280 yards)	Currently £8.00 Proposed £8.80 Increase 80p (10%)	Currently £9.80 Proposed £10.60 Increase 80p (8.16%)	Currently £10.40 Proposed £11.20 Increase 80p (7.69%)
4 miles (7040 yards)	Currently £9.80 Proposed £10.80 Increase £1.00 (10.20%)	Currently £12.40 Proposed £13.40 Increase £1.00 (8.06%)	Currently £13.00 Proposed £14.00 Increase £1.00 (7.69%)
5 miles (8800 yards)	Currently £11.80 Proposed £13.00 Increase £1.20 (10.17%)	Currently £14.80 Proposed £16.00 Increase £1.20 (8.11%)	Currently £15.40 Proposed £16.60 Increase £1.20 (7.79%)
Average increase	9.98%	8.99%	7.62%
Overall average 8.86%			

Taxi Industry Issues in 2022

Vehicle Insurance costs have increased from 10% to 25%. This link gives details.

<https://www.patonsinsurance.co.uk/2022/10/13/have-taxi-insurance-premiums-gone-up/>

Vehicle maintenance costs have risen significantly. Parts are difficult to source and have risen in cost by 20% to 90%.

This is a link

<https://www.theguardian.com/business/2022/oct/19/uk-motorists-count-the-cost-amid-big-rise-in-cost-of-car-parts-repairs-and-servicing>

The used car market has substantially increased in price. A 10-year-old Black Taxi 12 months ago could be bought for approximately £3000. Now the prices are around £7000 to £12000. Mileage dependent.

Fuel costs are unstable and have been as high as £1.99 a litre in Blackpool. They are dropping at the moment but still at prices of approximately £1.75 a litre.

All the above is mainly down to a small number of factors that are not going to change for at least 12 to 18 months:

The war in Ukraine. Not ending anytime soon.

Two years of covid lockdowns have created a global supply chain issue.

The Oil & Gas industry is trying to recoup the Billions they lost during the lockdowns and maintaining inflated prices. Utility bills have and continue to rise to prices never seen before in our lifetime.

Disability Access: Blackpool has a unique advantage within the local region, as there are more than 100 wheelchair-accessible Taxis that are expensive to operate. In this respect we are the envy of the Fylde. Every day the trade transports tens/hundreds of wheelchair-bound passengers and disabled people. The current financial pressures will affect the trade's excellent capacity for the disabled community without a fare increase. It costs £615 per annum Road Tax for these vehicles and some owners are saying they cannot afford these vehicles without a fare increase.

Request: With the above in mind, BLTOA is seeking the Council PPC agreement on a taxi fare increase to mitigate the financial pressures on the trade. There is widespread support for this from the local taxi trade.

Brighton Formula

In the past we used to provide a complex set of figures known as the 'Brighton Formula', this being justification based on average earnings, the AA cost of motoring and the cost of insurance. However, the National Private Hire and Taxi Association (of which BLTOA are members) informs us that this method is out of date and is no longer used. However, the NPHTA are still making comparisons of taxi 'league tables' and this shows that currently Blackpool shared a position based on a 2 mile T1 journey position 271/294 (arranged alphabetically) out of 355 local authorities. If this increase is approved a 2 mile T1 journey will increase to £6.60 and we will move up to a 'mid-table' position of 191/207. Eleven or twelve years ago, we were in position 55 of this table.

<https://www.phtm.co.uk/newspaper/taxi-fares-league-tables>

THIS IS OUR REQUEST

Times

We wish to amend the times when T2 operates on Monday to Friday please. T2 from 20.00, instead of the current time of 21.00. We are aware that at least one Blackpool Taxi Company charges T2 from 17.00.

T3 from to remain unchanged, beginning at midnight.

Fuel Surcharge

We wish to retain this at the currently agreed level. It is hoped that fuel prices will continue going down and as such, hopefully there will be no need to charge this. But we would like to see this incorporated onto the fare plate. This has been done in the past.

Cycles

We think that cycles carried in taxis should be £0.90 extra. The larger taxis are sometimes asked to transport these. We think 90p is fair when you consider these take up most of the back of the taxi.

Soiling charge

To be increased from £40 to £50. Please note this is very modest when compared to other local authorities. Fylde and Wyre charge £60. The soiling charge of £40 has not been raised for many years.

Waiting Time

Request a change from 20p every 35 seconds to every 30 seconds for T1. This will bring T1 waiting time into line with T2, T3 and T4.

Christmas and New Year

To bring our charges more into line with Blackpool companies we wish to revert back to T4 being in place from 22.00 on 24 December until 06.00 on 27 December. Also, from 22.00 on 31 December until 06.00 on 2 January. Minimum fare on 27 December to 29 December to be T2.

Fylde and Wyre

It has been noted that Fylde and Wyre have recently achieved taxi fare increases. Their meter fares start at £3.10 and extras are 40p. We have no wish to match this, because we want to remain competitive.

As you will see our request is for an overall 9.98% increase on T1 and for smaller percentage increases on T2 and T3. Overall, the increase averages out at 8.86%, which is of course below the national inflation rate. If you were to calculate Blackpool taxi fare increases over a 10-year period and then divide by 10, the average percentage increase is very low indeed.

We believe these measures will help to assist the shortage of drivers. For some time now there have been complaints that there are insufficient drivers, especially late at night and in the early hours of the morning.

We very much hope that the Council can support this and encourage the PPC to vote in favour of it. BTS have of course raised their bus fares.

BLTOA would be willing to attend the relevant PPC Meeting if required. The view from the Council in the past used to be that taxi drivers are self-employed; we know our business and if we increase taxi fares by an excessive amount, we will price ourselves out of the market. We commend this increase to you and we hope that we will have your support.

Regards

Bill Lewtas

Secretary Blackpool Licensed Taxi Operators Association

07786 992733

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	17 January 2023

HACKNEY CARRIAGE DRIVER LICENCES

1.0 Purpose of the report:

1.1 To consider an applicant and a 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 applicants are fit and proper persons to hold Hackney Carriage driver licences in respect of the following cases:

R.M.P (New)

A.P.M (Existing)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 4(a) R.M.P Details of case (not for publication)
Appendix 4(b) R.M.P DVLA Check (not for publication)
Appendix 4(c) R.M.P Application form (not for publication)
Appendix 4(d) A.P.M 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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	17 January 2023

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

1.0 Purpose of the report:

1.1 To highlight to the Sub-Committee the use of delegated powers to revoke Private Hire and Hackney Carriage Driver Licences following use of delegated powers exercised by the Trading Standards and Licensing Manager

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 6 December 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** On 20 November 2022, a Private Hire driver had been involved in an incident that placed members of the public at serious risk of harm.

The Sub-Committee is asked to note the decision taken using delegated powers on 19

December 2022 to revoke with immediate effect, the Private Hire and Hackney Carriage driver licences, in respect of the following case:

G.M.T (existing Private Hire and Hackney Carriage driver).

6.9 The decision document is attached at Appendix 5(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 5(a): 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.

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