

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - WEDNESDAY, 6
SEPTEMBER 2023**

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes	Jones	D Scott
Humphreys	Roe	Walsh

In Attendance:

Sharon Davies, Senior Licensing Solicitor
Tyrone Wassell, Democratic Governance Advisor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 18 JULY 2023

The Sub-Committee considered the minutes of the last meeting held on 18 July 2023.

Resolved: That the minutes of the meeting held on 18 July 2023 be approved and signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

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 4 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.

4 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Sub-Committee considered the cases for an existing Hackney Carriage licence holder, new applicants for Hackney Carriage Drivers Licences, a Private Hire Drivers Licence and an application for a Horse Drawn Hackney Carriage Driver's Licence who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

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A.R.Y

Mr Lee Petrak, Trading Standards and Licensing Manager, presented the case on behalf of the Licensing Authority. A.R.Y had made themselves known to the police following an incident on 29 May 20023 with an out of town driver who had been committing an offence by waiting in a Hackney carriage rank. Mr Petrak played CCTV of A.R.Y throwing a phone belonging to the out of town driver and damaging the windscreen of the out of town driver car with a car jack. A.R.Y, who was present before the Sub-Committee had worked co-operatively with the Police following the incident which had been dealt with using restorative justice. A.R.Y had been a licenced driver with Blackpool Council since 1993 with and this was the first time he had been involved in an incident that brought them before the Sub-Committee. The Sub-Committee questioned about what had led to the incident, A.R.Y informed them it was the anniversary of a bereavement so they begun working much later in the day than normal, A.R.Y admitted that it had been a difficult day and expressed they were aware that how they dealt with the incident was not the correct method of addressing issues around out of town drivers illegally plying for hire which had been a shared concern for the Licensing Authority and members of the Blackpool Taxi Community. Mr Petrak informed the Sub-Committee considerable work had gone into investigating out of town drivers plying for illegal trade and that the incident involving A.R.Y had allowed them to work with members of the Blackpool Taxi Community more closely.

The Sub-Committee deliberated the evidence brought before them of the incident and A.R.Y's openness about the incident and their 30 year career as a licensed driver and decided to issue a severe warning against A.R.Y.

Resolved:

That A.R.Y be issued with a strict warning letter that in the event of any future misconduct the licence may be suspended or revoked.

H.M

Mr Lee Petrak, Trading Standards and Licensing Manager presented the case for the Local Authority on 9 February 2023 H.M had submitted an application for a Hackney Carriage and Private Hire Driver's Licence. H.M. had previously been licensed between December 2010 and September 2019. They had previously appeared before the Sub-Committee in October 2016 when a severe warning was issued for alleged threatening and abusive behaviour towards a customer and again in September 2019 when the Sub-Committee decided they were no longer a fit and proper person to be licensed and revoked H.M's licence following an altercation with a passenger for which H.M. received a Police caution for assault.

Mr Petrak drew the Sub-Committees attention to Hackney Carriage and Private Hire Driver's Policy 'Where an applicant has a conviction, including a caution, for offences that had been violent in nature a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed', Mr Petrak had concerns over H.M's suitability as the offence had taken place less than 10 years ago.

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H.M was present before the Sub-Committee with representation from an advisor who presented the case on behalf of H.M. The Sub-Committee were informed of the levels of verbal and racial abuse H.M had suffered in the 9 years they were a licenced driver under Blackpool Council, H.M's representative had submitted character references for the Sub-Committee to consider and expressed remorse on H.M's behalf for the actions which led to the caution. H.M had been working in a job that involved interacting with members of the public and has had no complaints raised against him.

The Sub-Committee considered representation given about H.M's character along with the written character references submitted however the Sub-Committee were not satisfied that H.M was a fit and proper person to hold such a licence and decided to refuse the Application for a Hackney Carriage and Private Hire Drivers Licence.

Resolved:

That the application for a Hackney Carriage and Private Hire Driver's Licence in relation to H.M be refused.

R.J.P

Mr Lee Petrak, Trading Standards and Licensing Manager presented the case for the Local Authority, on 25 January 2023 the Licensing Authority received an application for a Hackney Carriage Drivers Licence from R.J.P. R.J.P had appeared before the Sub-Committee for historic convictions that had been disclosed on their application form, the most recent relevant incident had occurred 25 years ago, Mr Petrak advised the Sub-Committee of section 5.1 of the Hackney Carriage and Private Hire Licensing policy states a licence would not be granted where an applicant had been convicted of an offence involving illegal sexual activity.

R.J.P appeared before the Sub-Committee and expressed themselves honestly to the Sub-Committee that these incidents had been as a result of a difficult period in their life, R.J.P's most recent offence happened 25 years ago.

The Sub-Committee had given careful consideration towards R.J.P's fitness and propriety but on balance decided to depart from policy to grant the application.

Resolved:

To grant the application in relation to R.J.P be granted with a strict warning letter that in the event of any future misconduct the licence may be suspended or revoked.

J.M.W

Mr Lee Petrak, Trading Standards and Licensing Manager presented the case for the Local Authority, on 17 May 2023 J.M.W had submitted a new application to be licensed as a Private Hire Driver. J.M.W had previously been convicted of offences that were violent in nature, Mr Petrak drew the Sub-Committee's attention to the relevant policy relating to convictions for violent offences which states that a licence would not be granted until at least 10 years had elapsed since the completion of any sentence imposed. J.M.W further aggravated their position by having failed to disclose any of the criminal offences on his application form, and only disclosing the speeding offence.

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J.M.W informed the sub Committee they did not know they had to disclose all convictions on their application form, The Panel asked for further information that had led to the convictions, J.M.W explained that they had been in a difficult time of life due to a family break down, and that the conviction came as a result following an argument with their then partner. J.M.W explained that they had been working with members of the public as a kitchen fitter after they had served in the Navy as a weapons engineer between the years 2020 and 2023 J.M.W had left the Navy on compassionate grounds.

The Sub-Committee deliberated J.M.W's fitness and propriety to hold such a licence, their periods of service were in the Navy were also taken into account, however due to the seriousness of the offences Sub-Committee were not satisfied that J.M.W demonstrated themselves to be a fit and proper person to hold such a licence and therefore decided to refuse the application.

Resolved:

That the application for a Private Hire Driver's Licence in relation to J.M.W be refused.

W.J.M

Mr Lee Petrak, Trading Standards and Licensing Manager presented the case for the Local Authority, on 19 June 2023 the Licensing Authority received an application for a Horse Drawn Hackney Carriage. W.J.M disclosed a single offence for driving without insurance from May 2021 they further aggravated their position by failing to disclose other offences on the application form, the advanced Disclosure and Barring Service check revealed 4 offences from May 2021 and an offence from 2005 for driving whilst disqualified. Mr Petrak drew the Sub-Committees attention to the relevant policy which states whilst an isolated incident would not stop a licence being granted provided they had been free of conviction for three years, The Licensing Authority advised a minimum of a strict warning be given in relation to W.J.M.

The Sub-Committee asked for more detail on the offences, W.J.M advised the Sub-Committee that the offence from 2005 was during a difficult time of life and admitted it was a mistake to have driven, they addressed the more recent offences, W.J.M informed the Sub-Committee that one of the offences was for driving without a licence but clarified that W.J.M held a full drivers' licence at that time however they were driving a lorry which their licence did not cover.

W.J.M had recently moved to the area and had been offered work as a Horse Drawn Hackney Carriage driver, W.J.M's potential employer was present in support of their application.

The Sub-Committee deliberated the offences relating to W.J.M, but on balance decided that given the serious nature of the offences, in particular driving a vehicle that hadn't been in accordance with their licence, The Sub-Committee felt that the offences and failure to disclose represented a pattern of behaviour that meant W.J.M would not be a fit and proper person to hold such a licence and refuse the application for a Horse Drawn Hackney Carriage Licence.

Resolved:

That the Horse Drawn Hackney Carriage Licence in relation to W.J.M be refused.

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

Mr. Lee Petrak, Trading Standards and Licensing Manager informed the Sub-Committee of the use of delegated powers by the Trading Standards and Licensing Manager in the period since the last Sub-Committee meeting on 18 July 2023.

D.C.H

The Licensing Authority received evidence that on 14 June 2023, a Private Hire and Hackney Carriage driver had been involved in an incident that placed members of the public at serious risk of harm, as a result of this the Private Hire and Hackney Carriage Driver's Licence had been revoked

H.A

The Licensing Authority received evidence that between the 11 June 2023 and 27 July 2023, a Private Hire Driver had been involved in series of incidents that placed members of the public at serious risk of harm. The Private Hire Driver's Licence had been revoked.

Resolved:

To note the use of delegated powers since the last meeting on 18 July 2023

6 DATE OF THE NEXT MEETING

To note the date of the next meeting as 3 October 2023.

Chairman

(The meeting ended 9.15 pm)

Any queries regarding these minutes, please contact:
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