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Blackpool Council

5 January 2024

To: Councillors S Brookes, Humphreys, Hunter, Jones, Roe, D Scott and Walsh

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 16 January 2024 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 5 DECEMBER 2023 (Pages 1 - 4)

To agree the minutes of the last meeting held on 5 December 2023 as a true and correct record.

* **3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES** (Pages 5 - 42)

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

(This item contains personal information regarding applicants and licence holders which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

4 DATE OF NEXT MEETING

To note the date of next meeting as Tuesday 20 February 2024.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Tyrone Wassell, Democratic Governance Adviser, Tel: (01253) 477122, e-mail tyrone.wassell@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.

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes	Humphreys	Roe
Cooper	Jones	

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor
Sharon Davies, Senior Licensing Solicitor
Ryan Ratcliffe, Licensing Enforcement Officer

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 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 Driver Licence.

3 MINUTES OF THE LAST MEETING HELD ON 31 OCTOBER 2023

Resolved: That the minutes of the meeting held on 31 October 2023 be approved and signed by the Chair as a correct record.

4 PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the case of R.G.K., an existing Private Hire Driver who had been convicted of offences since first being licensed in June 2023.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that the Licensing Service had recently been notified by R.G.K. that they had been convicted of

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2023**

offences of fraud by misrepresentation relating to incidents which had taken place between February and May 2016 following a Trading Standards investigation. R.G.K. had not advised the Licensing Service of the pending convictions when originally making their application to be licensed on 30 May 2023 and it was unclear from the information received whether R.G.K. had been aware of the pending court proceedings at that time.

The offences were contrary to section 6 of the Hackney Carriage and Private Hire Convictions Policy in regards to dishonesty and members' attention was further drawn to section 6.3 of the Hackney Carriage and Private Hire Licensing Policy which required applicants to disclose convictions and cautions as part of the application process. Mr Ratcliffe therefore requested that the Sub-Committee gave careful consideration as to whether it wished to depart from the policy and allow R.G.K. to remain licensed.

R.G.K. appeared before the Sub-Committee and explained that the offences had taken place whilst working as a sales agent during which they were ordered to follow a script or face the risk of disciplinary action or dismissal. The threat of dismissal and the financial pressure to support a young family had meant that they had complied with the company's orders and R.G.K. advised that they had initially been unaware that the sales practices could be classed as mis-selling, however once Trading Standards begun their investigation they had left the company.

R.G.K. acknowledged the severity of the company's fraud and explained that they had pleaded guilty to avoid the risk of trial and possible imprisonment. They accepted that the convictions were contrary to the convictions policy in relation to dishonesty offences but asked that the Sub-Committee considered that the offences had been committed when they were young and naive and that they had not been convicted of any other offences since.

Mrs Sharon Davies, Legal Advisor, drew the Sub-Committee's attention to a local press article which stated that R.G.K. had first appeared at Blackpool Magistrates Court in August 2022 charged with fraud following which they were bailed to appear at a higher court. Members therefore asked R.G.K. why the ongoing proceedings had not been declared on their original licence application in May 2023 which had stated that there were currently no pending matters for which they were being investigated. In response, R.G.K. explained that their solicitor had advised that the case had been unlikely to proceed at that point and it was therefore not necessary to declare it on the licence application. Additionally, an offence of battery in 2014 had not been declared as R.G.K. had been unaware that cautions had to be disclosed as part of the application process.

The Sub-Committee carefully considered all the information presented by both parties. Some empathy was expressed towards R.G.K.'s situation however there were concerns in relation to the serious nature of the convictions and the lack of disclosure regarding the ongoing proceedings at the time of application. Following discussion, members agreed to depart from the policy and allow R.G.K. to remain licensed but that a severe warning letter was issued that in the event of any future concerns the licence may be suspended or revoked.

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Resolved: That a severe warning letter be issued that in the event of any future misconduct R.G.K.'s licence may be suspended or revoked.

5 DATE OF NEXT MEETING

The date of the next meeting was confirmed as Tuesday 16 January 2024.

Chairman

(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

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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of meeting:	16 January 2024

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

1.0 Purpose of the report

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

2.0 Recommendation(s)

- 2.1 To determine the referrals as appropriate.

3.0 Reason 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 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 and key information

6.1 The Sub-Committee is asked to determine whether or not the applicants are fit and proper persons to hold Hackney Carriage and/or Private Hire Driver Licences in respect of the following cases:

A.B.N (New Private Hire Driver's Licence)

H.M (New Hackney Carriage and Private Hire Driver's Licence)

C.C (Existing Private Hire Driver's Licence)

K.C (Existing Hackney Carriage and Private Hire Driver's Licence)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of appendices

7.1 Appendix 3(a) A.B.N Details of case (not for publication)
Appendix 3(b) A.B.N DBS certificate (not for publication)
Appendix 3(c) A.B.N DVLA check (not for publication)
Appendix 3(d) A.B.N Application form (not for publication)
Appendix 3(e) H.M Details of case (not for publication)
Appendix 3(f) H.M Decision Notice (not for publication)
Appendix 3(g) H.M Anger management certificate (not for publication)
Appendix 3(h) H.M Identifying causes of conflict certificate (not for publication)
Appendix 3(i) C.C Details of case (not for publication)
Appendix 3(j) C.C DVLA check (not for publication)
Appendix 3(k) K.C Details of case (not for publication)
Appendix 3(l) K.C Motor claim 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 and the impact of this decision for our children and young people

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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