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Blackpool Council

12 April 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, 23 April 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 26 MARCH 2024 (Pages 1 - 4)

To agree the minutes of the last meeting held on 26 March 2024 as a true and correct record.

3 DELEGATION UNDER SECTION 61 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (Pages 5 - 8)

To consider delegating powers to the Trading Standards and Licensing Manager under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act). This Section relates to the powers to suspend and revoke a driver's licence.

*** 4 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE** (Pages 9 - 14)

To consider an applicant who has been convicted of offences or who has 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).

5 DATE OF NEXT MEETING

To note the date and time of the next meeting is subject to confirmation at Annual Council.

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, 26 MARCH
2024

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes	Jones	Walsh
Humphreys	D Scott	

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor
Sharon Davies, Senior Licensing Solicitor

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, Hackney Carriage and Private Hire Driver Licences.

3 MINUTES OF THE LAST MEETING HELD ON 20 FEBRUARY 2024

The Sub-Committee considered the minutes of the last meeting held on 20 February 2024.

Resolved:

That the minutes of the last meeting held on 20 February 2024 be approved and signed by the Chair as a correct record.

4 ALLOCATION OF STREET COLLECTIONS 2024/2025

The Sub-Committee considered the allocation of Street Collections for 2024/25 and applications received from both those organisation on the approved Council list and other organisations.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 26 MARCH
2024**

Resolved:

1. To approve street collection permits for the following organisations from the Council's approved list for the forthcoming 12 month period from 1 April 2024 to 31 March 2025:
 - Trinity Hospice – Sunday 12 May 10am-2pm, 6 Collectors on Blackpool Promenade during the annual Beaverbrooks 10k Fun run.
 - Blackpool R.N.L.I. – Saturday 25 May 1pm-4pm and Sunday 25 August 9am-5pm, 6 collectors on Promenade between Sandcastle and Lifeboat Station.
 - Royal British Legion (Riders Branch) – Thursday 27 June 9am-6pm, 10 collectors outside Coral Island, annual poppy appeal.
 - Royal British Legion – Saturday 26 October to Saturday 9 November, poppy appeal, 25 Collection sites throughout Blackpool, annual poppy appeal.

2. To approve street collection permits for the following organisations for the forthcoming 12 month period from 1 April 2024 to 31 March 2025:
 - Brian House Children's Hospice – Saturday 13 April to Sunday 9 June, 4 collectors a day in the Town Centre and Tower Headland. Collecting as part of Elmer's Big Parade Blackpool 2024.
 - Macmillan Cancer Care – Saturday 20 April – 2.30-3.30pm, 6 collectors in St John's Square. Irish dancing from Whittaker Dance and Drama, annual event.
 - Macmillan Cancer Care – Friday 17 May to Sunday 19 May 9am-6pm, 4 collectors, St Johns Square to Church Street.
 - Diabetes UK – Friday 14 June to Sunday 16 June, 9am-6pm, 4 collectors, St John's Square to Church Street.
 - Blackpool Working Newfoundlands – Thursday 1 August to Sunday 4 August 12pm-8pm, 5 collectors, St John's Square, meet and greet event with rescue dogs during the Rebellion Festival, subject to approval from Blackpool Improvement District (BID) Team.

3. To delegate to the Trading Standards and Licensing Manager authority to issue further suitable applicants with permits.

4. To authorise the grant of a permit under the street collection regulations to cover the public collections made via the collection booths during the period of the Illuminations and to permit the sale to the public a brochure on the evening of the Switch On of the 2024 Illuminations.

5 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Sub-Committee considered the cases in respect of an applicant and an existing licence holder who had been convicted of offences or who had otherwise given cause for concern.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 26 MARCH
2024**

i) T.P.S.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case in respect of T.P.S. who had applied for a new Hackney Carriage Driver's licence.

T.P.S. had previously been licensed between September 1986 and May 2017 when their badge had been suspended by the Licensing Manager under delegated powers following an incident when they had crashed into a stationary parked vehicle and had subsequently been convicted of driving without due care and attention and failing to provide a specimen for analysis. Following the suspension no application had been made by T.P.S to renew their licence and it had therefore consequently lapsed upon its expiry.

Following conviction five penalty points and a 14 month disqualification from driving (reduced to 10 months upon completion of a course) had been issued in August 2017 which ended on 25 June 2018. T.P.S had subsequently applied to be re-licensed on two occasions and had appeared before the Sub-Committee in both November 2021 and February 2023 when their applications had been refused. The Sub-Committee's attention was drawn to section 10 of the Hackney Carriage and Private Hire Licensing Policy which stated that where an applicant had a conviction of failing to provide a specimen, a licence would not be granted until seven years had elapsed since the completion of any sentence or driving ban. As fewer than six years had passed since T.P.S.'s disqualification had ended Mr Ratcliffe urged members to give careful consideration as to whether they wished to depart from the policy and grant the application, adding that the offence of driving without due care and attention was also of particular relevance when considering their fitness and propriety to be a licensed driver.

Appearing before the Sub-Committee T.P.S. expressed regret for the incident which they stated had been an isolated occurrence. Their overall good driving record was highlighted, with no other offences since, and the circumstances of the incident were explained which had taken place whilst driving a private vehicle, not a licensed taxi and therefore no passengers had been present. Since last being licensed T.P.S. had worked with vulnerable adults and had previously held contracts to transport children and members were therefore asked to agree that they did not present a risk to the public and were invited to depart from the policy and grant the application.

The Sub-Committee carefully considered the information provided by both parties, noting T.P.S.'s contrition for the incident and their overall good driving record. Concern was expressed over the nature of the offences however on balance it agreed that T.P.S. did not pose a risk to the public and agreed to depart from the policy and grant the licence with a severe warning letter that in the event of future incidents the licence may be suspended or revoked.

Resolved:

That T.P.S.'s new Hackney Carriage Driver licence be granted with a severe warning letter that in the event of any future incident the licence may be suspended or revoked.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 26 MARCH
2024**

ii) A.J.C.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of A.J.C., a current Hackney Carriage and Private Hire Driver who had been arrested and charged with serious sexual offences. Sentencing had taken place on 5 March 2024 when they had been given a 15 year prison term and the Sub-Committee was reminded that the Hackney Carriage and Private Hire Licensing Policy stated that a licence would not be granted for any offence involving or connected with illegal sexual activity.

Members expressed their concerns at the serious nature of the convictions and agreed unanimously to revoke the licences. In response to questions as to the likelihood of A.J.C. being relicensed in future following their release from prison, Mr Ratcliffe advised the Sub-Committee that all licence revocations were logged on the NR3 National Register of Taxi and Private Hire Revocations and Refusals for an 11 year period to which all authorities had access. Furthermore, members were assured that the convictions would remain on enhanced DBS checks for perpetuity and that A.J.C. would also appear on the Barred List.

Resolved:

To revoke A.J.C.'s Hackney Carriage and Private Hire Driver Licences with immediate effect.

6 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 23 April 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

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of meeting:	23 April 2024

Delegation Under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976

1.0 Purpose of the report

- 1.1 To consider delegating powers to the Trading Standards and Licensing Manager under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act). This Section relates to the powers to suspend and revoke a driver's licence.

2.0 Recommendation(s)

- 2.1 That the Trading Standards and Licensing Manager be authorised to suspend Hackney Carriage or Private Hire driver licences where they are not satisfied that the licence holder has proved that they are a fit and proper person because administrative requirements have not been met as outlined in paragraphs 6.5-6.7.

3.0 Reason for recommendation(s)

- 3.1 Licensed drivers are responsible for transporting 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 Make the proposal subject to amendment before approval.
- 4.2 Determine that all decisions to suspend Hackney Carriage or Private Hire driver licences remain the responsibility of the Public Protection Sub-Committee.

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 Members will be aware that under the provisions of section 61 of the Act the Council has the power in certain circumstances to suspend or revoke Hackney Carriage and Private Hire driver licences.

6.2 The relevant parts of sub section 1 of section 61 state:

“(1) ... a district 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;

(aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or

(b) Any other reasonable cause.”

6.3 When a Council suspends, revokes, or refuses to renew a licence then they have to give the driver notice of the reason for the decision. Ordinarily a suspension or revocation takes effect at the end of the 21 days beginning with the day on which notice is given to the driver. If there are public safety concerns then a council may choose to suspend or revoke with immediate effect. Any driver aggrieved by a decision of a district council may appeal to a magistrate’s court.

6.4 The usual scenario where the section 61 power would be used is when dealing with matters that call into question the fitness and propriety of a driver and the facts have been examined by a committee. In certain circumstances, the Trading Standards and Licensing Manager may need to use the existing delegated powers to revoke a licence. It is clearly entirely appropriate that members or where appropriate the Trading Standards and Licensing Manager should make these decisions. There are no proposed changes to these procedures.

6.5 However, there are administrative issues that arise from time to time that could impact on the safety of the travelling public, especially if the council is deficient of documentary proof to show the driver is “Fit and Proper”. Examples include:

- DBS (Disclosure and Barring Service) checks – Blackpool Council’s Hackney Carriage and Private Hire Licensing Policy was updated in 2022, following a review of the policy in line with the Statutory Taxi and Private Hire Vehicle Standards. As part of the changes to the policy DBS checks were increased in

frequency to once every 6 months for all drivers, as recommended by the Standards. This change has meant that DBS checks can frequently expire despite the licence still having a period to run before that expires i.e. DBS expires 1 March 2024 but the licence does not expire until the 1 September 2024. In such circumstances, the driver would lawfully be entitled to drive until the expiry of their licence. In the majority of cases, the Licensing Service can check a driver's DBS status via the DBS Update Service, however 11.7% of our licensed drivers are not currently subscribed to the update. This equates to an average per month of approximately 19 DBS checks that need to be completed manually. For those drivers that still require a manual certificate advance notification to apply/produce a new DBS certificate is given a minimum of 6 weeks before the expiry of their existing DBS certificate. On average approximately 50% of drivers, either ignore or do not act upon that request. The Licensing Service would propose a final written request is sent to the driver to produce the document within 7 days following the expiry of the existing certificate. Failure to comply with that request would result in suspension of the licence.

- Medicals – Similar circumstances may arise where a medical certificate expires but the licence is still valid, the Licensing Service again make advanced requests for the document. The Licensing Service would propose a final written request to the driver to produce the document within 7 days following the expiry of the existing certificate. Failure to comply would result in suspension of the licence.

6.6 The Licensing Service spends a large amount of officer time on the administration process involved in keeping licence holders up to date with DBS and Medical checks. This includes phone calls, emails and letters to licence holders in an effort to ensure they meet the criteria of maintaining their licences. The Licensing Service proposes to introduce a model of working as laid out in para 6.5. In circumstances explained above (para 5.5) the Trading Standards and Licensing Manager would be able to suspend licences by the Sub-Committee expressly granting the power to suspend in these circumstances. The suspensions if carried out would need to be done in writing setting out the reasons for the suspensions and informing the recipient that in accordance with Section 2 of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022, the decision will be recorded on the National Register of Taxi Licence Refusals, Revocations, and Suspensions (NR3S). For the action to have any meaningful impact the suspension would generally need to take immediate effect. An explanation of the reasons for the immediacy of the action would be required. In line with other revocations and suspensions these would be reported to the Public Protection Sub-Committee. If the documentary evidence continued to remain outstanding the case could be referred to the Public Protection Sub-Committee to consider revocation.

6.7 The examples above are not exhaustive but Members are asked to consider the proposal of formally delegating powers to the Trading Standards and Licensing Manager to suspend a driver's licence when administrative requirements have not

been fulfilled. This power will not extend to matters which relate to general conduct or behaviour and will be confined to administrative matters only.

6.8 Does the information submitted include any exempt information? No

7.0 List of appendices

7.1 None.

8.0 Financial considerations

8.1 None.

9.0 Legal considerations

9.1 Local Government (Miscellaneous Provisions) Act 1976.

9.2 Representative of Head of Legal Services will be present at the meeting to advise the Sub-Committee.

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.

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of meeting:	23 April 2024

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

1.0 Purpose of the report

1.1 To consider an applicant who has been convicted of offences or who has otherwise given reasons for concern.

2.0 Recommendation(s)

2.1 The Sub-Committee will be requested to determine the referral 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 applicant is a fit and proper person to hold a Hackney Carriage and Private Hire driver licence in respect of the following case:

J.P.G. (New)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of appendices

7.1 Appendix 4(a) J.P.G. Details of case (not for publication)
Appendix 4(b) J.P.G. Decision Notice (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 is a fit and proper person 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.