

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 2 JUNE 2020

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP
Collett

Cox
Critchley

Farrell
Hunter

R Scott
Wilshaw

In Attendance:

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

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 EXCLUSION OF THE PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from the agenda items 4 and 5 as those items contained information which was exempt from publication by virtue of Paragraph 1 of Section 100 (A) 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 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 and 5 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.

3 APPOINTMENT OF VICE-CHAIRMAN FOR MUNICIPAL YEAR 2020-2021

The Sub-Committee considered the appointment of a Vice-Chairman for Municipal Year 2020-2021.

Resolved:

That Councillor R Scott be appointed Vice-Chairman for Municipal Year 2020-2021.

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4 MINUTES OF THE LAST MEETING HELD ON THE 17 MARCH 2020

The Sub-Committee considered the minutes of the meeting held on 17 March 2020.

Resolved:

That the minutes of the meeting held on 17 March 2020 be approved and signed by the Chairman as a correct record.

5 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCE

The Public Protection Sub-Committee considered Hackney Carriage and Private Hire Driver applicants who had been convicted of offences or otherwise given reason for concern.

(i) D.J.M (New Hackney Carriage and Private Hire)

Mr Ryan Ratcliffe, Licensing Service, presented the case and informed the Sub-Committee that the application was a new application for both a Hackney Carriage and Private Hire Driver's licence. The application had been referred to the Sub-Committee due to D.J.M's relevant conviction for an offence under the Proceeds of Crime Act 2002 within the last years. The offence had been part of a Lancashire constabulary operation to combat organised crime notably the supply of drugs and money laundering. Mr Ratcliffe reminded members that the Hackney Carriage and Private Hire Licensing Policy section 9.2 and 10.2 which outlined that licences would not normally be granted within 3 years of convictions linked to drugs or fraud.

D.J.M joined the meeting via video conferencing. He outlined his opinion that the offence had resulted solely from him seeking to help a friend and that he had not been involved in the supply of drugs or organised crime.

The Sub-Committee considered carefully the information submitted by both sides and the Council's Hackney Carriage and Private Hire Licensing Policy. The Sub-Committee expressed significant concern about D.J.M'S involvement to any degree in serious or organised crime and the very serious nature and recent nature of the offence. It did not consider that there any reasons to depart from the Council's policy and it should not do so lightly.

Resolved:

That the application for D.J.M. for a Hackney Carriage and Private Hire Driver's licence be refused on the grounds that he is not a fit and proper to hold such a licence in view the criminal offences.

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(ii) J.J. M-H

Mr Ryan Ratcliffe, Licensing Service, presented the case and informed the Sub-Committee that the application was a new application for a Private Hire Driver's Licence. The application had been referred to the Sub-Committee as J.J.M-H had been convicted of a violent offence in March 2019. Mr Ratcliffe reminded the Sub-Committee that the Hackney Carriage and Private Hire Licensing Policy sections 6.6, 6.7, 9.4 in relation to offences involving violence and that a licence would not normally be granted where the applicant had been convicted of a violent offence within the last three years. Mr Ratcliffe emphasised that J.J. M-H had been convicted only just over a year ago in March 2019.

J.J.M-H was not in attendance but the Sub-Committee was satisfied that he had been notified of the Sub-Committee meeting. It therefore agreed to consider the application in his absence.

The Sub-Committee considered carefully the information submitted by all parties. It concluded that there was no grounds to depart from the established policy given the recent and violent nature of J.J. M-H's conviction.

Resolved:

1. That the application in respect of J.J M-H be considered in the absence of the applicant on the grounds that he had been notified of the hearing.
2. That the application in respect of J.J. M-H be refused on the grounds that the applicant is not a fit and proper to hold such licence due to his recent conviction for a violent offence.

6 HORSE DRAWN HACKNEY CARRIAGE DRIVER'S LICENCE

The Public Protection Sub-Committee considered a Horse Drawn Hackney Carriage and Private Hire Driver applicants who had been convicted of offences or otherwise given reason for concern.

(i)S.N.F.

Mr Ryan Ratcliffe, Licensing Service, presented the application to the Sub-Committee. Mr Ratcliffe highlighted to as why the application had been referred to the Sub-Committee namely that S.N.F had a large number of offences notwithstanding that they were historical offences. The applicant's extensive criminal history and the overall offending history raised concerns as to his suitability and emphasised by his failure to include all the convictions on the application form.

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S.N.F joined the meeting by video conferencing. He emphasised his contrition for the offences but highlighted that the offences had taken place during two periods of personal difficulties. He highlighted that he had been convicted of any offences and that his passion for working with horses had provided a path for him to refocus his life. In response to the issue of non-disclosure of offences S.N.F. emphasised that it had not been his intention to mislead the Licensing Authority but had resulted from his confusion about a dark period in his life.

The Sub-Committee considered carefully the information submitted by all parties. It balanced the level of offences with the applicant's remorse and the time elapsed since the last offence. It considered that S.N.F. could be considered as a fit and proper to hold such a licence on balance.

Resolved:

1. To grant the Horse Drawn Hackney Carriage Driver licence with a Severe Warning Letter in relation to future conduct, indicating that if she were brought before the Sub-Committee again at any point in the future, then suspension or revocation of the Licence would be the likely outcome.
2. That no action be taken in respect of the failure to disclose criminal offences.

Chairman

(The meeting ended at 3.35 pm)

Any queries regarding these minutes, please contact:
Lennox Beattie Executive and Regulatory Manager
Tel: (01253) 477153
E-mail: lennox.beattie@blackpool.gov.uk