

# Public Document Pack

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 30 JUNE 2020

### Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Callow JP  
Collett

Cox  
Farrell

Hunter  
R Scott

Wilshaw

### In Attendance:

Sharon Davies, Solicitor

John Greenbank, Democratic Governance Senior Adviser (Scrutiny)

### 1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

### 2 EXCLUSION OF THE PUBLIC AND PRESS

The Public Protection Sub-Committee considered excluding the public and press from the agenda items 3, 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 Paragraph 1 of Section 100 (A) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the whole item, including the decisions referred to at agenda items 3, 4 and 5.

### 3 MINUTES OF THE LAST MEETING HELD 2 JUNE 2020

The Sub-Committee considered the minutes of the meeting held on 2 June 2020.

**Resolved:** That the minutes of the meeting held on 2 June 2020 be approved and signed by the Chairman as a correct record.

### 4 HORSE DRAWN HACKNEY CARRIAGE DRIVERS LICENCE

The Public Protection Sub-Committee considered a Horse Drawn Hackney Carriage Drivers Licence application where the applicant had been convicted of offences or who had otherwise given reasons for concern.

(i)F.P.B.

Mr Ryan Ratcliffe, Licensing Service, presented the case and informed the Sub-Committee that the application was a new application for a Horse Drawn Hackney Carriage Drivers Licence. The application had been referred to the Sub-Committee as the applicant, F.P.B.,

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had been convicted the offence of drink driving in February 2018. Mr Ratcliffe highlighted Section 12.1 of the Council's Horse Drawn Hackney Carriage Convictions policy which stated that applications should only be considered where at least three years have elapsed since the restoration of a driving licence following an applicant being convicted of a drink drive offence. It was noted that F.P.B.'s conviction had been in 2018 and therefore their licence had been restored less than three years ago. The Licensing Service had therefore recommended that the Sub-Committee not depart from policy and refuse the application.

F.P.B. joined the meeting and outlined their case for granting the applicant. They expressing their regret that the offence had occurred and explained that they had learnt from and were sorry for the incident. F.P.B also explained that working with Horses was a passion of theirs and that following the conviction they had obtained qualifications in business to enable them to operate as a Horse Drawn Hackney Carriage Driver Licence holder. They therefore asked that in this instance the Sub-Committee depart from policy and grant the application.

The Sub-Committee considered the information submitted by all parties. It concluded that, while noting the applicant's remorse for the drink driving offence, they had provided insufficient reason for departing from the Council's policy, given that the offence and restoration of their driving licence was less than three years ago.

**Resolved:** That the application in respect of F.P.B. be refused on the grounds that the applicant is not a fit and proper person to hold such a licence due to their conviction of a drink drive offence.

### **5 MOTION MOVED, SECONDED, VOTED UPON AND LOST**

During consideration of the above item, the following motion was moved, seconded, voted upon and lost.

"That in case of F.P.B. the application for a Private Hire Driver's Licence be granted subject to a warning letter."

### **6 PRIVATE HIRE DRIVER LICENCE**

The Public Protection Sub-Committee considered a Private Hire Drivers Licence holder who had been convicted of an offence or otherwise given reason for concern.

(i) J.P.G.

Mr Ryan Ratcliffe, Licensing Service, presented the case to the Sub-Committee. He informed Members that J.P.G. was an existing Private Hire Drivers Licence holder who had held their licence since April 2016. One of the criteria for holding a Private Hire Drivers Licence is a check of a holders DVLA driving licence at least once every twelve-months. As part of a recent check of J.P.G.'s DVLA driving licence it was revealed that they had accumulated nine penalty points for two speeding offences between May and November 2019. Mr Ratcliffe highlighted Section 14.5 of the Hackney Carriage and Private Hire Convictions Policy, which stated that licenced drivers who accumulate nine or more penalty points will be referred to the Sub-Committee. He also explained that condition

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one J.P.G's Private Hire Drivers Licence required them to inform the Licensing Service of the details of any offence they are convicted of. As J.P.G. had failed to inform the Licensing Service of either of the offences they had received points for, Mr Ratcliffe recommended that at least a warning letter be sent regarding their failure to disclose details of their offences.

J.P.G joined the meeting and outlined that they had been unaware that they were required to disclose the penalty points they had received, while recognising that they should not have committed the offences. They also informed the Sub-Committee that the penalty points had been received for speeding offences committed over the space of a week in May 2019. One of these offences had been challenged by J.P.G in court which had meant they had not received the all of the points at once.

The Sub-Committee considered the information that had been submitted by both sides and the Council's Hackney Carriage and Private Hire Convictions Policy. It concluded that in light of the information regarding J.P.G.'s penalty points that a warning letter should be sent to ensure they comply with the conditions of their licence in the future.

**Resolved:** That a warning letter be sent to J.P.G. in respect of accumulation of nine penalty points on their DVLA Drivers Licence and their failure to comply with their Licence's condition to inform the Licensing Service of any convictions they receive, indicating that if they 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.

### 7 HACKNEY CARRIAGE VEHICLE LICENCE

The Public Protection Sub-Committee considered whether or not to remove conditions from a Hackney Carriage Vehicle Licence.

(i) C.T.

Mr Ryan Ratcliffe, Licensing Service, outlined the details of the case for the Sub-Committee. Members were informed that C.W. had submitted a request to remove conditions from their Hackney Carriage Vehicle Licence. The licence had been transferred into their name on 2 March 2020 and the conditions attached to the licence had been imposed in June 2019 due to the poor maintenance program undertaken by the previous licence holder. Mr Ratcliffe highlighted that C.T. held five other Hackney Carriage Vehicle Licences and had not come to the attention of the Licensing Service for any maintenance issues and was noted as having a good inspection record. The Licensing Service was of the view that removal of the conditions would not be detrimental to the C.T.'s maintenance of the vehicle and therefore recommended that the conditions attached to this licence be removed.

C.T. joined the meeting and outlined their reason for why the conditions should be removed from the licence. They stated that they ensured regular maintenance of all the vehicles for which they were responsible and had provided a full service history of the vehicle being licenced to Licensing Services. They also explained that they operated a professional business and ensured that where advisory notices were received following inspections they were undertaken in a timely manner. Mr Ratcliffe confirmed that the service details had been submitted and that the information provided demonstrated that

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the vehicle was being maintained to a high standard.

The Sub-Committee considered the information that had been submitted to them and the details of the case. Members felt that due to the evidence of a high standard of maintenance undertaken by C.T. that the conditions attached to the Hackney Carriage Vehicle Licence should be removed.

**Resolved:** That the conditions attached to the Hackney Carriage Vehicle Licence held by C.T. be removed.

### Chairman

(The meeting ended 6.50pm)

Any queries regarding these minutes, please contact:  
John Greenbank Senior Democratic Governance Adviser  
Tel: (01253) 477229  
E-mail: [john.greenbank@blackpool.gov.uk](mailto:john.greenbank@blackpool.gov.uk)