

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 7 APRIL 2015

Present:

Councillor Hutton (in the Chair)

Councillors

Mrs Delves	M Mitchell	Mrs Taylor
Mrs Jackson	O'Hara	

In Attendance:

Sharon Davies, Head of Licensing Service

Bernadette Jarvis, Senior Democratic Services Adviser

Mark Marshall, Licensing Health and Safety Enforcement Manager

Ryan Ratcliffe, Licensing Officer

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE MEETING HELD ON 17TH MARCH 2015

Resolved: That the minutes of the meeting held on 17th March 2015 be signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

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 items 5 and 6 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 APPLICATION FOR A STREET COLLECTION

Mrs Davies, Head of Licensing Service, reminded Members that at its last meeting the Sub-Committee had agreed to defer consideration of the application for a street collection from Care for the Wild to enable the organisation to submit further information on how the application met the Council's Street Collection Policy.

The Sub-Committee was informed that the organisation had not yet been contacted to give it the opportunity to submit further information and therefore it was recommended by the Head of Licensing Service that consideration of the application be deferred to a future meeting. Members expressed concerns at the potential impact on the organisation of a further delay in consideration of the application. It therefore agreed that the matter should be delegated to the Head of Licensing Service to grant the application on receipt of satisfactory information or refer to the Sub-Committee at a future meeting in the event of any concerns with the application.

Resolved: To delegate to the Head of Licensing Service the authority to grant the

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application on receipt of satisfactory information.

5 APPLICATION FOR A SEX SHOP LICENCE

The Sub-Committee was informed of an objection that had been received in connection with a renewal application for a Sex Shop Licence from Private Shop located on Church Street, Blackpool.

Mrs Davies, Head of Licensing Service, reported that there had been no issues raised by the Licensing Enforcement team in respect of the premises. She informed Members that there was no necessity to hold a full hearing to consider representations from objectors and the applicant unless the Sub-Committee was minded to refuse the application.

The Sub-Committee considered the objection raised by a member of the public against approval of the application. It also had regard to the mandatory and discretionary grounds for refusal of the application and was satisfied that none of the grounds for refusal applied in this case.

Resolved: That the application for a Sex Shop Licence in respect of Private Shop be granted.

6 HORSE-DRAWN HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee considered an existing Horse-Drawn Hackney Carriage driver who had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Mr Ratcliffe, Licensing Officer, presented the case on behalf of the Authority.

The driver was in attendance at the meeting and made representations to the Sub-Committee.

During consideration of the case, the Sub-Committee noted that the Licensing Service had not been made aware of a police caution that the driver had received in July 2012 at the time that the incident had occurred. Members considered the driver's representations regarding the circumstances surrounding the incident that had resulted in the caution and the explanation given for the failure to declare the caution. The Sub-Committee had regard to the additional information provided by the Police in relation to the incident. It also noted that a warning letter had been issued to the driver in November 2014 in relation to previous conduct.

Resolved:

1. To not prosecute for failure to declare the police caution.
2. That the driver be issued with a severe warning letter regarding future conduct indicating that in the event of further offences suspension or revocation of the licence would be the likely outcome.

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7 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

The Sub-Committee was informed of two new applications for a Private Hire vehicle driver's licence and a further two new applications for a Private Hire vehicle and Hackney Carriage driver's licence that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

PSG, KH, JRM and MAP were in attendance at the meeting.

Mr Ratcliffe, Licensing Officer, presented the cases on behalf of the Authority.

During consideration of the application for a Private Hire vehicle driver's licence in respect of PSG, the Sub-Committee noted the serious nature of both the police caution and conviction but also acknowledged the length of time that had elapsed since they had been issued. Members noted the applicant's statement that he had been offered employment subject to the application for a Private Hire vehicle driver's licence being granted. The Sub-Committee also noted that the applicant had not yet undertaken the required knowledge test.

During consideration of the application for a Private Hire vehicle and Hackney Carriage driver's licence in respect of KH, the Sub-Committee noted the applicant's driving offences, one of which had occurred as recently as July 2014. Member's considered the applicant's representations relating to the circumstances surrounding the recent incident. The Sub-Committee noted that the applicant had passed the required knowledge test and had been offered employment subject to the application for a Private Hire vehicle and Hackney Carriage driver's licence being granted.

The Sub-Committee considered the application for a Private Hire vehicle driver's licence in respect of JRM and noted the significant number of previous police cautions and convictions over an extended period of time and the serious nature of the offences relating to the cautions and convictions. Members carefully considered representations from the applicant regarding the length of time that had elapsed since his last conviction and the change in his personal circumstances. The Sub-Committee noted that the applicant had not yet undertaken the required knowledge test and that he had received an offer of employment subject to the application for a Private Hire vehicle driver's licence being granted. Members expressed serious concerns regarding the applicant's suitability to be licensed in view of his extensive history of serious driving offences and significant number of cautions and convictions.

Prior to consideration of the application in respect of MAP, the Sub-Committee was advised of additional information that had been received from the Police relating to the incident that had given cause for concern. Following consideration of the additional information the Sub-Committee agreed that the information was relevant to the case.

The Sub-Committee considered the applicant's concerns that he had only recently received notification of the additional information and had not had the opportunity to discuss it with his solicitor. The applicant requested that consideration of the application be deferred should the additional information be included in the consideration of the application.

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The Sub-Committee considered representations from Mr Marshall, Licensing Health and Safety Enforcement Manager against deferral of the application.

Resolved:

1. That in the case of PSG, the application for a Private Hire vehicle driver's licence be granted subject to a warning letter being issued indicating that in the event of further offences the licence may be suspended or revoked. The granting of the licence was also subject to the applicant passing the required knowledge test and satisfying any other relevant requirements of the Licensing Authority.
2. That in the case of KH, the application for a Private Hire vehicle and Hackney Carriage driver's licence be granted subject to a warning letter being issued indicating that in the event of further offences the licence may be suspended or revoked.
3. That in the case of JRM, the application for a Private Hire vehicle driver's licence be refused on the grounds that he was not a fit and proper person to be licensed due to the significant number and serious nature of his cautions and convictions which included driving offences.
4. To consider the additional information relating to the application for a Private Hire vehicle and Hackney Carriage driver's licence in respect of MAP.
5. To defer consideration of the application for a Private Hire vehicle and Hackney Carriage driver's licence in respect of MAP to a future meeting to enable the applicant the opportunity to consult with a solicitor. The date of the meeting to be determined following receipt of all relevant information.

8 DATE OF NEXT MEETING

Members noted the date of the next meeting as Tuesday 5th May 2015.

Chairman

(The meeting ended 11.38 am)

Any queries regarding these minutes, please contact:
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