

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 25 MAY 2021

Present:

Councillor Hutton (in the Chair)

Councillors

Farrell	D Scott	Wilshaw
Hunter	R Scott	

In Attendance:

Sarah Chadwick, Democratic Governance Advisor

Sharon Davies, Senior Licensing Solicitor

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 items five and six as those items 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 Five, Hackney Carriage and Private Hire Driver Licences and Agenda Item Six, Use of Delegated Powers since the last meeting.

3 MINUTES OF THE LAST MEETING HELD ON 27 APRIL 2021

Resolved: That the minutes of the meeting held on 27 April 2021 be approved and signed by the Chair as a correct record.

4 ADOPTION OF BLACKPOOL COUNCIL'S POLICY ON THE USE OF THE NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS AND REFUSALS (NR3)

The Public Protection Sub-Committee considered the proposed policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3) for Hackney Carriage and Private Hire Drivers and the outcome of a consultation which had been undertaken with trade representatives.

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Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the item and explained that the Register had been commissioned by the Local Government Association to allow Licensing Authorities across the country to share information on refusals and revocations of Hackney Carriage and Private Hire driver licences. This would prevent people found not to be fit and proper in one area from securing a licence elsewhere.

Members were advised that a four week period of consultation had recently been completed with taxi trade representatives on the adoption of the NR3 and Blackpool Council's policy on the use of that Register, during which no responses had been received from the trade. The Sub-Committee acknowledged the need to participate in the Register and so resolved to approve the adoption of the NR3 initiative and Blackpool Council's policy on the use of that register and recommend them to the relevant Cabinet Member.

Resolved:

1. To endorse participation in the National Register of Taxi Licence Revocations and Refusals (NR3) initiative.
2. To recommend the proposed Policy on the use of the NR3 to the relevant Cabinet Member.
3. To note that it is proposed that the Policy on the use of the NR3 will be reviewed after 5 years.

5 APPLICATION TO TRANSFER A SEXUAL ENTERTAINMENT VENUE LICENCE

The Sub-Committee considered an application by Pool Construction Ltd to transfer the Sexual Entertainment Venue (SEV) licence for Eden, 15 – 17 Queen Street, Blackpool.

Further information had been submitted by the applicant after the publication of the agenda and in light of this new information Members agreed more time was needed to consider the application. The Sub-Committee therefore decided to defer the case to a later date.

Resolved:

That the application to transfer the Sexual Entertainment Venue (SEV) licence for Eden, 15 – 17 Queen Street, be deferred to a future meeting.

6 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a licence holder, A.L.D., who had been convicted of offences or who had otherwise given reasons for concern.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case and explained that A.L.D. had been a licensed driver since 1990. Members were informed that A.L.D. had previously appeared before the Sub-Committee twice, latterly in 2019 when they were issued with a warning letter and advised that any future appearance would likely result in suspension or revocation of their licence.

During their recent driver renewal process a check of A.L.D.'s DVLA driving licence had revealed they currently had nine penalty points for three separate speeding offences

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between June 2019 and November 2020, of which only two were declared by A.L.D. on their application. Mr Ratcliffe further reported a number of historical speeding offences between February 2000 and March 2014 totalling 31 penalty points over that time. He highlighted Section 14.5 of the Hackney Carriage and Private Hire Convictions Policy which stated that licensed drivers who accumulated nine or more penalty points would be referred to the Sub-Committee for consideration and concluded that as A.L.D.'s driving record was well below the standard expected from a licensed driver the minimum of a suspension was recommended.

In response, A.L.D. informed Members that the demand for work had reduced to only working three or four nights a week due to the pandemic which had put a strain on their finances, adding that they felt they had been unfortunate to have been caught speeding fractionally over the limit. A.L.D. explained that the offence which had not been declared on their application occurred whilst driving a private car, not a licensed vehicle and requested that the Sub-Committee noted the length of time they had been driving when considering their case.

The Sub-Committee carefully considered the information provided by both parties. Members expressed concerns over the number and frequency of offences accrued and felt A.L.D. demonstrated a lack of remorse with regards to their driving record. Consideration was given to imposing a two week suspension but due to the number of offences received over a significant period of time agreed to impose a four week suspension.

Resolved:

To suspend A.L.D.'s Hackney Carriage and Private Hire Driver Licences for a period of four weeks.

7 USE OF DELEGATED POWERS SINCE THE LAST MEETING

Mr Ryan Ratcliffe, Licensing Enforcement Officer, updated Members on the use of Delegated Powers to revoke a Private Hire Driver's licence since the last meeting.

Mr Ratcliffe reported that Lancashire Constabulary had made the Licensing Service aware of a serious road traffic collision which took place on 2 May 2021 involving a Private Hire vehicle. The driver of that vehicle, D.W.M., tested positive for a controlled substance when swabbed at the roadside by the attending police officer.

D.W.M. was subsequently invited to attend an interview with the Licensing Service on 14 May 2021 to discuss the matter, at which the account provided by them in relation to their use of controlled substances was not deemed to be satisfactory. As a result, the Licensing Enforcement Officer had decided on balance that D.W.M. was not a fit and proper person and so revoked D.W.M.'s Private Hire Driver's licence with immediate effect.

Resolved: To note the update on the use of Delegated Powers.

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8 DATE OF NEXT MEETING

The date of the next meeting was confirmed as 22 June 2021.

Chairman

(The meeting ended 6.45 pm)

Any queries regarding these minutes, please contact:

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