

# Public Document Pack

## MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 1 SEPTEMBER 2015

### **Present:**

Councillor Hutton (in the Chair)

Councillors

Mitchell                      Owen  
Robertson BEM              Singleton

### **In Attendance:**

Sharon Davies, Head of Licensing Service  
Bernadette Jarvis, Senior Democratic Governance Adviser  
Chris Williams, Democratic Governance Adviser (Minutes)

### **1 DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

### **2 MINUTES OF THE MEETING HELD ON 21ST JULY 2015**

**Resolved:** That the minutes of the meeting held on 21<sup>st</sup> July 2015 be signed by the Chairman as a correct record.

### **3 TAXI FARES REVIEW FOR 2015 - BLACKPOOL LICENSED TAXI OPERATORS ASSOCIATION SUBMISSION**

Mr Frank Landini and Mr Bill Lewtas were in attendance and represented the Blackpool Licensed Taxi Operators Association.

Mr Landini presented the revised Hackney Carriage Tariff proposal for 2015 and explained the reasons for the suggested changes contained within the proposal. He described the changes to the times that certain fare tariffs would be in place as a modest amendment rather than a fare increase. He reported that complications with previous fare tables combined with difficulties in calibrating newly installed vehicle fare-meters had led drivers to ask for a more simplified tariff format.

The Sub-Committee was advised that the main changes to the Tariffs would mean that Tariff One would end at 22:00 between Monday and Thursday. This would in turn mean that the more expensive Tariff Two would come into effect one hour earlier than had been the case with the current Tariff. Mr Landini also described changes to fares over the Christmas and New Year period contained within the proposal. He explained that an extension to the length of time that the more expensive Tariff Three and Tariff Four could be used would ensure that drivers were adequately compensated for working during the Christmas and New Year period. He added that in his opinion, the public already expected to pay more for a taxi during this period.

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In response to a question about the proposed changes to the existing tariffs and how Blackpool's fares compared to those in other nearby towns and cities, Mr Lewtas advised that Blackpool fares were roughly average based on Nationwide figures in terms of the cost of hiring a taxi. Mrs Davies offered no comment on Mr Lewtas assertion but added that there was no suitable location in the nearby vicinity of Blackpool with which to make a direct comparison.

The Sub-Committee questioned the wording of a particular line from the newly proposed tariff fare document, which stated 'Some private hire vehicles may charge a different fare.' This was considered to be potentially misleading for customers and Mr Lewtas agreed to a change in the wording to remove the words 'private hire' in the final version of the document.

The Sub-Committee considered the changes to the tariff document layout and decided that the revised format would be simpler to understand and less likely to confuse potential customers.

In relation to the proposed fare/timing changes, the Sub-Committee considered the impact on fare paying passengers and balanced this with a need to maintain competitive pay for drivers, a need to offset rising equipment costs and overcome technological obstacles. The Sub-Committee therefore concluded that a period of advertisement of proposed changes to the Hackney Carriage should be allowed.

Resolved:

1. The Sub-Committee agreed to approve changes to the Hackney Carriage tariff layout, subject to the removal of the words 'private hire' from the document.
2. The Sub-Committee agreed to the advertisement of the proposed amended Hackney Carriage tariff for a consultation period of 14 days.
3. The Sub-Committee agreed to delegate the power to implement changes to the Hackney Carriage Tariff to Sharon Davies, Head of Licensing Services, Blackpool Council, following advertisement and if no objections were received.

### **4 HORSE-DRAWN HACKNEY CARRIAGE DRIVERS LICENCES**

The Sub-Committee was informed of an application from an existing Horse-Drawn Hackney Carriage driver that had given sufficient cause for concern as to be referred to the Sub-Committee for consideration.

Members discussed the referral as follows:

#### **(i) DP – Existing Horse-Drawn Hackney Carriage Driver**

Mr Marshall, Licensing Health and Safety Enforcement Manager, and Ms Vicki Cartmell, Higher Court Advocate, who were in attendance during consideration of this case presented it on behalf of the Authority. Mr Ratcliffe, Licensing Officer, was also in attendance.

DP was in attendance at the meeting with legal representation from Cath Johnson and John Blott, Solicitors, Fylde Law. Ms Cartmell informed the Sub-Committee that the driver

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had requested that his case be deferred to allow additional time to prove there was adequate insurance to carry the number of passengers that were on board at the time the Carriage had been stopped by Mr Marshall on 4<sup>th</sup> July 2015. Mr Blott, on behalf of the driver was agreeable to this course of action.

The Sub-Committee discussed the status of insurance of the Carriage and whether or not the carriage of seven persons would have invalidated the driver's policy. Without the policy documents, the Sub-Committee decided that it could not fully ascertain whether the driver had acted in accordance with the stipulations outlined in the insurance policy.

After careful consideration, the Sub-Committee agreed that on balance, the Driver should be allowed additional time to provide all necessary documentation relevant to his hearing.

**Resolved:** The Sub-Committee agreed to defer consideration of the case to its next meeting on 29<sup>th</sup> September 2015 to allow the driver additional time to provide relevant insurance documentation.

Background papers: Exempt

### 5 PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCES

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

Members discussed the applications as follows:

(i) JLM – New Hackney Carriage Driver's Licence Application

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

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

The Sub-Committee noted that the driver had been convicted of a speeding offence for exceeding the speed limit in a 50mph zone in March 2015 and had also been given a Police caution for burglary with intent to steal in September 2010. In addition, the driver had failed to declare the Police caution in his application to be licensed.

In response to questions about why he had failed to declare the Police caution for the burglary offence, the driver explained that he had made an error when reading the application form and thought the declaration section only applied to formal arrests and convictions. He added that the additional points he had received for the speeding offence related to non-attendance at Court and were added to the standard number of penalty points issued for the original offence.

The Sub-Committee considered the additional information presented by the driver in relation to the offences and agreed a need to encourage greater responsibility to avoid future instances of dishonesty. The Panel balanced the evidence with the fact that the

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driver had shown remorse in relation to the offences.

**Resolved:** That the application for a Hackney Carriage Driver's Licence be granted with the addition of a warning letter in relation to future conduct.

(ii) SMB – New Hackney Carriage Driver's Licence Application

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

SMB was not in attendance at the meeting.

Mrs Davies advised the Sub-Committee that the driver may not have had sufficient notice of the meeting.

**Resolved:** The Sub-Committee agreed to defer the case to its next meeting on 29<sup>th</sup> September 2015 to allow the driver the opportunity to attend.

(iii) WHRS – New Private Hire Vehicle Drivers Licence Application

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

WHRS was in attendance at the meeting with his partner and made representations to the Sub-Committee.

The Sub-Committee considered the fact that the driver had been convicted of a drink driving offence in December 2013 though it was noted that he had demonstrated remorse in relation to the offence.

In addition to the drink driving offence, the Sub-Committee was advised that the driver had been removed from the Blackpool Borough knowledge examination as part of the application to become a licensed Private Hire Vehicle driver. He had been observed using concealed notes during the test and was removed by the invigilator with his notes confiscated. The driver insisted that the notes had been for revision purposes prior to the test and had not been used during the test.

The Sub-Committee considered the evidence and noted that the driver had been dishonest. They questioned whether the drink driving conviction was also too recent to allow for an application to be granted in any case as the Council required three years to have elapsed following such an offence before consideration of any new licence application. They agreed that there were no exceptional circumstances in this case and concluded that the recency of the drivers drink driving conviction and additional concerns about his dishonest behaviour meant he was not a suitable person to hold a Private Hire Vehicle Driver's Licence.

**Resolved:** That the application for a Hackney Carriage Driver's Licence be refused on the grounds that the applicant was not a fit and proper person to hold such a licence.

Background papers: Exempt

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**6 DATE OF NEXT MEETING**

Members noted the date of the next meeting as Tuesday 29<sup>th</sup> September 2015.

**Chairman**

(The meeting ended 6.58 pm)

Any queries regarding these minutes, please contact:

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