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MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 16 JANUARY 2024

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes
Humphreys

Jones
Roe

D Scott
Walsh

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor
Sharon Davies, Senior Licensing Solicitor

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 EXCLUSION OF PRESS AND PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from agenda item three as that item 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 three, Hackney Carriage and Private Hire Driver Licences.

3 MINUTES OF THE LAST MEETING HELD ON 5 DECEMBER 2023

Resolved: That the minutes of the meeting held on 5 December 2023 be approved and signed by the Chair as a correct record.

4 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Sub-Committee considered the cases of applicants and licence holders who had been convicted of offences or who had otherwise given reasons for concern.

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i) A.B.N.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case in relation to A.B.N. who had applied for a new Private Hire Driver's Licence on 7 September 2023. The Disclosure and Barring Service and DVLA checks submitted as part of the application had revealed convictions for three separate offences in August 2015 for two minor road traffic offences and failure to appear at court together with a conviction for no insurance from August 2022 for which A.B.N had 6 live points on their DVLA driving licence. A previous speeding offence from December 2019 for which they had received three points, which had been live at the time of application, had since been removed from their record in December 2023.

A.B.N. had failed to disclose any of the offences at the time of application and Mr Ratcliffe drew the Sub-Committee's attention to Section 9 of the Hackney Carriage and Private Hire Licensing Policy in relation to motoring convictions which stated that, although an isolated incident would not prevent the granting of a licence, multiple motoring convictions may indicate that an applicant did not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. He therefore asked the Sub-Committee to give careful consideration to A.B.N.'s fitness and propriety to be a licensed driver and recommended that the minimum of a strict warning was given.

Appearing before the Sub-Committee A.B.N. explained that the conviction for no insurance in 2022 had been as a result of a misunderstanding as to whether they were insured to drive another person's vehicle under their own policy which had recently been updated and the terms of the policy changed. The two minor road traffic offences in 2015 also related to having no insurance, however A.B.N. assured the Sub-Committee that they had not been driving when Police approached the vehicle and had only been using it to sit in the driver's seat to shelter from the rain whilst waiting for a friend.

A.B.N. apologised for not disclosing the offences at the time of application and presented a copy of a Basic Disclosure certificate that had previously been issued to them in July 2023 which had not recorded any of the offences. They explained that they were unaware that the Enhanced Disclosure certificate returned as part of the application process would include the convictions and that they therefore were not aware that should have been disclosed.

The Sub-Committee considered the information presented by both parties, noting A.B.N.'s explanation for not disclosing the offences. Concerns were expressed that A.B.N had been convicted of insurance related offences on two separate occasions in 2015 and 2022 however acknowledged the explanation provided and on balance agreed to grant the licence with a severe warning letter that in the event of any future incidents the licence may be suspended or revoked.

Resolved: That A.B.N.'s new Private Hire Driver's Licence be granted with a severe warning letter that in the event of any future incidents the licence may be suspended or revoked.

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ii) H.M.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case on behalf of the Licensing Authority. H.M. had applied for new Hackney Carriage and Private Hire Driver Licences having previously been licensed from December 2010 until September 2019 when their licences had been revoked by the Sub-Committee following an altercation with two passengers which had resulted in a caution for common assault. H.M. had also appeared before the Sub-Committee in October 2016 when they had been issued with a severe warning letter following an incident whereby they had been alleged to have used threatening and abusive behaviour towards a member of the public whilst driving a licensed Hackney Carriage vehicle.

Mr Ratcliffe reminded members that previous new applications for H.M. to be re-licensed in August 2021 and February 2023 had both been refused by the Public Protection Sub-Committee. The last refusal decision letter issued had stated that the Sub-Committee wanted assurance that H.M. would be able to deal with challenging situations in an appropriate manner and evidence of online Anger Management and Identifying Causes of Conflict course certificates, which had been completed in September 2023, had therefore been attached to the current application.

The Sub-Committee's attention was drawn to Section 3 of the Hackney Carriage and Private Hire Licensing Policy which stated that where applicants had been connected with any offence of violence a licence would not be granted until at least 10 years had elapsed since the completion of any sentence imposed. Mr Ratcliffe reminded the Sub-Committee that as H.M. had been cautioned in May 2019 it was less than the ten years suggested in the policy and therefore recommended that careful consideration was given as to whether to depart from that policy and grant the licences.

H.M. attended the meeting to present their case, acknowledging the various previous appearances that they had made before the Sub-Committee and apologised for the incident which had resulted in the revocation of their licence in 2019. Online Anger Management and Identifying Causes of Conflict courses had been undertaken within a week of their last appearance on the recommendation of the Sub-Committee and the learnings from that training were outlined with H.M. assuring members that they had learned not to react or retaliate to any confrontational situations in future.

Members asked for further information as to the level of detail presented on the courses undertaken, with Mr Ratcliffe advising that research into the courses indicated that the duration of each was only 30 minutes and 2 hours respectively. In response, H.M. advised that they had taken around 3-4 hours to complete each course, longer than the recommended timescale, and that various learnings such the need to change their own behaviour and breathing techniques had been developed.

The Sub-Committee carefully considered the information provided by both parties, noting that H.M. had promptly complied with the suggestion of the Sub-Committee since their

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last appearance in September 2023 to source anger management and conflict resolution training and that they appeared to be calmer and more reflective, acknowledging their previous mistakes. Some concerns were expressed as to how in-depth the training had been and how H.M. would react if and when a real life challenging situation presented itself in the future however, on balance, the Sub-Committee agreed to depart from the policy and grant the licences with a severe warning letter that in the event of any future misconduct the licences would likely be suspended or revoked.

Resolved: That H.M.'s new Hackney Carriage and Private Hire Driver Licences be granted with a severe warning letter that in the event of any future misconduct the licences would likely be suspended or revoked.

iii) C.C.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case in relation to C.C. who was an existing Private Hire Driver. Information had been received from Lancashire Constabulary Road Policing Unit in August 2023 relating to an incident involving C.C. while they had been driving their Private Hire vehicle whereby the vehicle had been stopped by a traffic Police Constable for unacceptable driving. C.C. had failed to identify themselves to the Constable at the time of the incident and a Section 172 Road Traffic Act notice had been issued, following which C.C. later identified themselves and was subsequently reported for an offence of driving without due care and attention for which a trial date had been set for July 2024.

Following that incident C.C. had contacted the Licensing Service in both September and October 2023 to advise that they had been convicted of three separate speeding offences and a subsequent DVLA check confirmed that they currently had 9 points on their driving licence. The Sub-Committee's attention was drawn to Section 9 of the Hackney Carriage and Private Hire Licensing Policy which stated that, whilst a single traffic offence may not necessitate the revocation of a licence, multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. The Sub-Committee was therefore asked to carefully consider whether C.C. remained a fit and proper person to be licensed.

Appearing before the Sub-Committee C.C. outlined the circumstances which had led to them being charged with driving without due care and attention. The incident had taken place on a busy match day outside Bloomfield Road stadium and C.C. had initially been directed to manoeuvre past coaches which had stopped to offload supporters. On approaching the final coaches a blockage had occurred following which C.C. had driven over the central reservation to get past. C.C. acknowledged that they should have waited in the circumstances however did not consider their behaviour to be aggressive and explained that they did not refuse to identify themselves as they had to move on quickly due to a build-up of traffic and therefore had not had time to present their taxi badge to the officer. Following legal advice the matter was proceeding to court and C.C. advised that they were confident that they would be found not guilty.

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C.C. apologised for the three speeding offences which had taken place between December 2022 and July 2023, explaining that all had taken place in the early hours of the morning during lapses of concentration whilst the roads had been quiet and that they had not been carrying passengers at the time. C.C. explained that they had been going through a stressful period in their personal lives over the last few months following the passing of their parents and as a result of financial difficulties and a medical appointment had been booked to seek help with dealing with stress which may have contributed to the lapse in concentration. Since the incidents a speed limiter had been activated on their vehicle and C.C. referred to their previous good behaviour, having never appeared before the Sub-Committee since first being licensed in 1997.

The Sub-Committee carefully considered the information presented by both parties. Although the accumulation of incidents over a short period of time was a cause for concern C.C.'s contrition was noted and members acknowledged their personal circumstances which may have contributed to the incidents and that medical attention had been sought voluntarily. On balance, and in view of C.C.'s previous good record, it considered that a warning letter should be issued to ensure future good behaviour.

Resolved: That no action be taken in respect of C.C. save that a warning letter be issued explaining that in the event of further issues the licence may be suspended or revoked.

iv) K.C.

Mr Ryan Ratcliffe, Licensing Enforcement Officer, informed members that K.C., an existing Hackney Carriage and Private Hire driver, had contacted the Licensing Service to request that consideration of their case was deferred as they were unavailable to attend the meeting and wished to seek legal advice before attending to present their case in person to a future meeting.

The Sub-Committee acknowledged the request and agreed to defer consideration to its next meeting.

Resolved: That consideration of K.C.'s Hackney Carriage and Private Hire driver's licences be deferred to the next meeting on 20 February 2024.

5 DATE OF NEXT MEETING

The date of the next meeting was confirmed as Tuesday 20 February 2024.

Chairman

(The meeting ended 7.30 pm)

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Any queries regarding these minutes, please contact:
Sarah Chadwick Democratic Governance Senior Adviser
Tel: (01253) 477153
E-mail: sarah.chadwick@blackpool.gov.uk