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Blackpool Council

10 February 2023

To: Councillors Farrell, Hunter, Hutton, D Scott and Wilshaw

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 21 February 2023 at 5.30 pm
in Committee Room A, Town Hall

A G E N D A

ADMISSION OF THE PUBLIC TO COMMITTEE MEETINGS

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The Head of Democratic Governance has marked with an asterisk (*) those items where the Committee may need to consider whether the public should be excluded from the meeting as the items are likely to disclose exempt information.

The nature of the exempt information is shown in brackets after the item.

This information is provided for the purpose of this meeting only and must be securely destroyed immediately after the meeting.

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 17 JANUARY 2023

(Pages 1 - 4)

To agree the minutes of the last meeting held on 17 January 2023 as a true and correct record.

* **3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES**

(Pages 5 - 34)

To consider new applicants and existing licence holders who have been convicted of offences or who have otherwise given reasons for concern.

4 DATE OF NEXT MEETING

To note the date of the next meeting as 28 March 2023.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Tyrone Wassell, Democratic Governance Adviser, Tel: 01253 477122, e-mail tyrone.wassell@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Public Document Pack Agenda Item 2
MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 17 JANUARY
2023

Present:

Councillor Hutton (in the Chair)

Councillors

Farrell

Hunter

D Scott

Wilshaw

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager

Sharon Davies, Senior Licensing Solicitor

Lee Petrak, Licensing and Trading Standards Manager

Ryan Ratcliffe, Licensing Enforcement Officer

Tyrone Wassell, Democratic Governance Advisor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 6 DECEMBER 2022

The Sub-Committee considered the minutes of the last meeting held on 6 December 2022.

Resolved: That the minutes of the meeting held on 6 December 2022 be approved and signed by the Chairman as a correct record.

3 EXCLUSION OF THE PUBLIC

Resolved: 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 item 4 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 TAXI FARES - BLACKPOOL LICENSED TAXI OPERATORS ASSOCIATION (B.L.T.O.A.) SUBMISSION

Lee Petrak, Trading Standards and Licensing Manager, presented a report on a request for proposed changes to the Blackpool Hackney Carriage tariffs to commence in February 2023 which had been submitted by The Blackpool Licensed Taxi Operators Association. Mr Bill Lewtas and Mr Tony Hoyle from The Blackpool Licensed Taxi Operators Association (B.L.T.O.A.) were also in attendance and spoke in support of the proposed changes on behalf of the association. Mr Petrak outlined the changes would affect yardage, tariff start times, waiting charges, cleaning charges which were proposed to be brought in line with national averages and additional charges for cycles. It was also reported that fuel

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prices appeared to have remained unstable with further operating costs increasing so it would be reasonable to continue with the fuel surcharge in similar terms to that implemented in March 2022. The Licensing Service considered the proposed changes reasonable and asked that the application to be viewed positively.

The Sub-Committee considered the submitted application and the possible impact the increases could have for operators of vehicles and users, on balance the Sub-Committee decided to vote in favour of the amended tariff because the Sub-Committee considered it reasonable in the current financial climate.

Resolved:

1. To accept the proposed changes to the Blackpool Hackney Carriage Tariff as proposed by Blackpool Licensed Taxi Operators Association.
That a change be made to the yardage and maximum tariffs as outlined
 - i. Changes be made to the yardage and maximum tariffs as outlined in the table attached at appendix 3a to the agenda
 - ii. To change the taxi meter waiting time for Tariff 1 from 20p every 35 seconds to 20p every 30 seconds.
 - iii. That the start time for Tariff 2 which is currently 9pm Monday to Friday is brought forward to 8pm Monday to Friday.
 - iv. That an additional charge of 90p be made for the carriage of cycles.
 - v. That the cleaning charge for passengers that soil the taxi be increased from £40 to £50.
 - vi. That the Tariff 4 to now be effective from 10pm on the 24th December to 6am on the 27th December and 10pm on the 31st December to 6am on the 2nd January.
 - vii. That Tariff 2 to be the minimum fare effective between 27th December and 29th December.
 - viii. To agree to the continuation of the 30p fuel surcharge until 31st March 2024.
2. To delegate the Trading Standards and Licensing Manager to implement the changes if no objections are received on a date no later than 5 working days from the expiry of the deadline for objections.

5 HACKNEY CARRIAGE DRIVER LICENCES

The Sub-Committee considered the cases a licence holder and an applicant for a Hackney Carriage Drivers Licence who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

i) RMP

The Sub-Committee considered a case in respect of RMP a new applicant for a Hackney Carriage driving licence, Mr Ryan Ratcliffe presented the case of RMP who had applied for a new Hackney Carriage driver's licence on the 10th May 2022. As part of the application process the Licensing Service had conducted a DVLA check, which had subsequently been completed on the 21st June 2022. The check revealed that RMP had been disqualified from driving for 12 months under the totting up procedure in May 2020, which signified the total penalty points on their driving licence had reached 12 or more within 3 years.

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RMP had further aggravated their position by failing to honestly declare the traffic offence on their Hackney Carriage Driver application form. The Sub-Committee's attention was drawn to the relevant sections of the Hackney Carriage and Private Hire Convictions Policy, in relation to disclosed criminal history, dishonesty and motoring offences.

RMP who appeared before the Sub-Committee, voiced regret for their mistake in failing to declare their driving offences, RMP further expressed that he had learnt from the experience. It was suggested that the discrepancies on the application could have been caused accidentally.

The Sub-Committee reviewed the evidence provided by both parties and considered refusing the application however the Sub-Committee deliberated that given the applicant's position and that the application form could have been completed in such a way by accident. Therefore on balance the Sub-Committee agreed to grant the licence but issue a strict warning letter that in the event of any future incident the licence may be suspended or revoked.

Resolved:

That RMP's Hackney Carriage Licence be granted with a strict warning letter that in the event of any future misconduct the licence may be suspended or revoked.

ii) APM

The Sub-Committee considered a case in respect of APM an existing licence holder for a Hackney Carriage Driving Licence. It noted that APM was not in attendance and considered that it would be beneficial if consideration could be deferred to the next meeting to enable them to attend.

Resolved:

That consideration of the Hackney Carriage Licence application in respect of APM be deferred to the meeting of the Sub-Committee on the 21 February 2023.

6 USE OF DELEGATION OF POWERS - REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE

Lee Petrak, Trading Standards and Licensing Manager, highlighted to the Sub-Committee the use of delegated powers to revoke Private Hire and Hackney Carriage Driver Licences. On 20 November 2022, a Private Hire driver had been involved in an incident that placed members of the public at serious risk of harm, further evidence provided to the Trading Standards and Licensing Service also showed that that the driver had been illegally plying for hire within the prescribed area. The Sub-Committee was asked to note the decision taken using delegated powers on 19 December 2022. The driver had attended a formal interview to discuss the areas of concern with the Trading Standards and Licensing Manager and the Chairman of the Public Protection Sub-Committee. The course of action to revoke with immediate effect the Private Hire and Hackney Carriage driver licences had been both necessary and proportionate.

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Resolved:

To note the use of delegated powers by the Trading Standards and Licensing Manager in the period since the last Sub-Committee meeting on 6 December 2022. The Private Hire and Hackney Carriage Driver Licences had been revoked with immediate effect.

7 DATE OF NEXT MEETING

The date of the next meeting was noted as 21 February 2023.

Chairman

(The meeting ended 6.40 pm)

Any queries regarding these minutes, please contact:

Tyrone Wassell Democratic Governance Adviser

Tel: (01253) 477122

E-mail: tyrone.wassell@blackpool.gov.uk

Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of Meeting:	21 February 2023

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

1.0 Purpose of the report:

1.1 To consider applicants and licence holders who have been convicted of offences or who have otherwise given reasons for concern.

2.0 Recommendation(s):

2.1 The Sub-Committee will be requested to determine the referrals as appropriate.

3.0 Reasons for recommendation(s):

3.1 Licensed drivers can be responsible for transporting vulnerable passengers. It is important for the protection of the public that only fit and proper persons are licensed.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 None, as the Sub-Committee is required to determine the application and referrals.

5.0 Council priority:

5.1 The relevant Council priority is:
"The economy: Maximising growth and opportunity across Blackpool"

6.0 Background information

6.1 The Sub-Committee is asked to determine whether or not the applicants and licence holders are fit and proper persons to hold Hackney Carriage and/or Private Hire driver licences in respect of the following cases:

S.F.R (New Private Hire and Hackney Carriage Driver)
M.C.M (Existing Hackney Carriage Driver)
A.P.M (Existing Hackney Carriage Driver)
M.C.E (Existing Private Hire Driver)
T.P.S (New Hackney Carriage Driver)

6.2 Details of offences or matters causing concern and any supporting documents are attached at Appendices 3(a) to 3(h).

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 3(a) S.F.R Details of case (not for publication)
Appendix 3(b) M.C.M Details of case (not for publication)
Appendix 3(c) A.P.M Details of case (not for publication)
Appendix 3(d) M.C.E Details of case (not for publication)
Appendix 3(e) M.C.E MG6A Police Disclosure (not for publication)
Appendix 3(f) T.P.S Details of case (not for publication)
Appendix 3(g) T.P.S Decision notice (not for publication)
Appendix 3(h) T.P.S DBS certificate (not for publication)

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 Local Government (Miscellaneous Provisions) Act 1976.

The Sub-Committee must be satisfied that the applicants are fit and proper persons to be licensed.

There is the right of appeal to the Magistrates' Court.

10.0 Risk management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

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