

Blackpool Council

14 April 2023

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

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Tuesday, 25 April 2023 at 6.00 pm
in Committee Room A, Town Hall, Blackpool

A G E N D A

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 28 MARCH 2023 (Pages 1 - 4)

To agree the minutes of the last meeting held on 28 March 2023 as a true and correct record.

3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE (Pages 5 - 36)

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

4 DATE OF NEXT MEETING

To note the date and time of the next meeting is subject to confirmation at Annual Council.

Venue information:

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

Other information:

For queries regarding this agenda please contact John Greenbank, Democratic Governance Senior Adviser, Tel: (01253) 477229, e-mail john.greenbank@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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 28 MARCH 2023

Present:

Councillor Hutton (in the Chair)

Councillors

Farrell

Hunter

D Scott

Wilshaw

In Attendance:

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 21 FEBRUARY 2023

The Sub-Committee considered the minutes of the last meeting held on 21 February 2023.

Resolved: That the minutes of the meeting held on 21 February 2023 be approved and signed by the Chairman as a correct record.

3 ALLOCATION OF STREET COLLECTIONS 2023/2024

The Sub-Committee considered the allocation of street collections for 2022/23 and applications received from both those organisation on the approved Council list and other organisations.

The Sub-Committee considered the recommendations from Trading Standards and Licensing Service around the number of collectors for 2 of the proposed collections for McMillan Cancer and Diabetes UK. The initial collection applications for McMillan Cancer and Diabetes UK had requested approval of 20 collectors, the recommendation from the Trading Standards and Licensing Service had been to cap the collectors at a maximum of 4 per collection.

The Sub-Committee considered the recommendations and agreed to allow a maximum of 4 collectors in relation to the McMillan Cancer and, Diabetes UK collections.

Resolved:

1. To approve street collection permits for the following organisations from the Council's approved list for the forthcoming 12 month period:

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- **Blackpool R.N.L.I.** – Friday 7 April 11am-4pm, 6 collectors on Promenade between Sandcastle and North pier.
- **Trinity Hospice** – Sunday 14 May 10-2pm, 5 Collectors on Blackpool Promenade during the annual Beaverbrooks 10k Fun run. Local Charity.
- **RSPCA** – Friday 26 May, 10am-4pm, 6 collectors Church Street/Abingdon Street, bucket collection.
- **Royal British Legion** – 28 October to 11 November 2023, Poppy Appeal, 50 collection sites throughout Blackpool.

2. To approve street collection permits for the following organisations from the Council's approved list for the forthcoming 12 month period:

- **Marie Curie Cancer Care** – Saturday 29 April – 2.30-3.30pm, 6 collectors in St John's Square. Irish dancing from Whittaker Dance and Drama.
- **Broadway Stars Morris Dancers** – Friday 19 May, 10.30am-5pm, 10 Collectors, performing dance on Comedy Carpet.
- **Brian House and Children with Cancer UK** – Saturday 27 May, 11am-6pm, 6 Collectors, Blackpool 'Souls in Motion', dancing on the Comedy carpet.
- **McMillan Cancer** – Friday 2 June and Saturday 3 June, 9am-6pm, of 4 collectors, St John's Square to Church Street. Jim Allan co-ordinator, successful collections and returns 2017.
- **Diabetes UK** – Friday 23 June and Saturday 24 June, 9am-6pm, 4 collectors, St John's Square to Church Street. Jim Allan co-ordinator.
- **Blue Skies Hospitals Fund** – Wednesday 5 July, 4.30pm-9.30pm, 8 collectors, sponsored walk Starr Gate to Victoria Hospital, 75th Anniversary Appeal.
- **The Christie Charity** - Sunday 9 July, 10am-5pm, 4 collectors, South Promenade and Solaris Centre. Annual Manchester to Blackpool bike ride.
- **National Coastwatch Institute** – Saturday 22 July, 10am-5pm, 12 collectors, sponsored walk, Blackpool Tower to Fleetwood along promenade.

3. To delegate authority to the Trading Standards and Licensing Manager to issue further suitable applicants with permits.

4. To authorise the grant of a permit under the street collection regulations to cover the public collections made via the collection booths during the period of the Illuminations and to permit the sale to the public of a brochure on the evening of the 2023 Illuminations Switch On.

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4 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.

5 PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered an applicant who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

Mr Ryan Ratcliffe presented a report on the applicant CJS, who had applied for a Private Hire Driver's Licence and had been convicted of offences or had otherwise given reasons for concern.

On 13 December 2022 CJS had submitted an application for a Private Hire Driver's Licence, however as part of that process an applicant had been required to submit a Disclosure and Barring Service Check. CJS had produced a DBS certificate to the Licensing Service on the 21 January 2023. The certificate revealed 7 convictions for 11 separate offences dating from January 2013 to July 2018, 6 of those convictions occurred between January to December 2013. The last conviction from July 2018 was for 2 violent offences (Battery and Assault Occasioning Actual Bodily Harm.)

Mr Ratcliffe advised the Sub-Committee of the relevant Policy which had been section 3 of the Hackney Carriage and Private Hire Convictions Policy in relation to offences involving violence which stated "Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed."

The Sub-Committee were asked to carefully consider the granting of an application in relation to CJS.

CJS was present before the Sub-Committee with a representative who was a Director of the Taxi Company C Cabs.

CJS presented their own case requesting the Sub-Committee grant the licence. CJS had accepted responsibility for their past actions, 5 of which happened when they were 19 years of age, a decade previous. The Sub-Committee asked questions around the more recent 2018 convictions. CJS provided the Sub-Committee with an anecdotal account of what had happened which had led to the consequential convictions.

The Representative from C Cabs vouched for the character of CJS informing the Sub-Committee that CJS had reformed themselves.

Lee Petrak, Trading Standards and Licensing Manager asked if CJS had been working in any public facing roles since any of the convictions which CJS confirmed they had previously worked with Children and had held sales positions in which they had directly interacted with members of the Public in an incident.

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The Sub-Committee were satisfied that CJS had reformed themselves since of the convictions. The Sub-Committee believed the circumstances of CJS's personal life since the convictions to be exceptional and that these circumstances were strong enough for the Sub-Committee to depart from the relevant policy in order to grant the application for a Private Hire Driver's Licence.

Resolved:

The application for the Private Hire Drivers Licence in relation to CJS, be granted subject to a severe warning letter outlining that in the event of any future misconduct the licence may be suspended or revoked.

DATE OF NEXT MEETING

It was noted the date of the next meeting would be 25 April 2023.

Chairman

(The meeting ended 6.20 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:	25 April 2023

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

1.0 Purpose of the report:

1.1 To consider applicants 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 are fit and proper persons to hold Hackney Carriage and Private Hire driver licences in respect of the following cases:

R.N.W (New Private Hire Drivers Licence)

L.J.H (New Private Hire Drivers Licence)
M.O (New Hackney Carriage Drivers Licence)
H.M (New Hackney Carriage and Private Hire Drivers Licence)
D.S.C (Existing Hackney Carriage and Private Hire Drivers Licence)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of Appendices:

7.1 Appendix 3(a) - R.N.W Details of case (not for publication)
Appendix 3(b) - L.J.H Details of case (not for publication)
Appendix 3(c) - L.J.H Application form (not for publication)
Appendix 3(d) - M.O Details of case (not for publication)
Appendix 3(e) - M.O Medical form (not for publication)
Appendix 3(f) – M.O G.P supporting letter (not for publication)
Appendix 3(g) - H.M Details of case (not for publication)
Appendix 3(h) – H.M Supporting letter (not for publication)
Appendix 3(i) - H.M Decision notice 1 (not for publication)
Appendix 3(j) - H.M Decision notice 2 (not for publication)
Appendix 3(k) - D.S.C Details of case (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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