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Blackpool Council

25 August 2023

To: Councillors S Brookes, Humphreys, Hunter, Jones, Roe, D Scott and Walsh

The above members are requested to attend the:

PUBLIC PROTECTION SUB-COMMITTEE

Wednesday, 6 September 2023 at 6.00 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 18 JULY 2023 (Pages 1 - 4)

To agree the minutes of the last meeting held on 18 July 2023 as a true and correct record.

* **3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES** (Pages 5 - 50)

To consider new Hackney Carriage and Private Hire Licence applicants and an existing Hackney Carriage Licence Driver who have been convicted of offences or who have otherwise given reasons for concern.

* **4 USE OF DELEGATION OF POWERS - REVOCATION OF PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE** (Pages 51 - 58)

To note the use of delegated powers by the Trading Standards and Licensing Manager in the period since the last Sub-Committee meeting on 18 July 2023.

5 DATE OF THE NEXT MEETING

To note the date of the next meeting as 3 October 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, 18 JULY 2023

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes

Jones

D Scott

Walsh

In Attendance:

Sarah Chadwick, Democratic Governance Senior Advisor

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 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.

3 MINUTES OF THE LAST MEETING HELD ON 6 JUNE 2023

The Sub-Committee considered the minutes of the last meeting held on 6 June 2023.

Resolved: That the minutes of the meeting held on 6 June 2023 be approved and signed by the Chairman as a correct record.

4 SAFETY CERTIFICATION BLACKPOOL FOOTBALL CLUB

Michelle Wilson, Head of Building Control presented a report to the Sub-Committee informing them of the change in the Safety Certification of the Football Ground to a risk-based Safety Certification.

The Sub-Committee noted the changes in approach highlighted in the report. It also noted there were no significant issues currently with the operation of the stadium and that the capacity would remain unchanged from the existing certificate. The Sub-Committee considered the change in certification reasonable and agreed the revised approach was proportionate.

Resolved:

1. To agree the transition from current prescriptive safety certificate to risk-based safety certificate for Blackpool Football Ground
2. To agree to delegate approval of the new Ground Safety Certificate to the Head of Building Control.

5 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Sub-Committee considered the cases for existing Hackney Carriage licence holders and new applicants for Private Hire and an existing Horse Drawn Hackney Carriage Driver's Licences who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

J.H

Mr Ryan Ratcliffe Licensing Enforcement Officer, presented the case for the Local Authority, Mr Ratcliffe informed the Sub-Committee that a new application for a Private Hire Driver's Licence JH had failed to disclose previous driving convictions. JH had been convicted of 2 driving offences which had resulted in an 8 month disqualification from driving under the totting up procedure.

JH who was present before the Sub-Committee and had brought a friend to help them understand the process, informed the Sub-Committee he had been disqualified for a speeding offence, and for failing to give the identity of the driver. JH had since been working as a delivery driver since 2021 and JH had held a clean licence since the disqualification.

The Sub-Committee considered JH's fitness and propriety for holding such a licence and 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 JH's application for a Private Hire Driver's Licence be granted with a strict warning letter that in the event of any future misconduct the licence may be suspended or revoked.

T.H

The Sub-Committee considered the case of TH a new applicant for a Hackney Carriage Driver's Licence. It was noted that TH 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 Driver's Licence application in respect of TH be deferred to the meeting of the Sub-Committee on the 6 September 2023.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 JULY 2023

G.S

Mr Ratcliffe presented the case for the Local Authority and informed the Sub-Committee that an application for Private Hire Driver's Licence had been received, upon a completed Disclosure and Barring Service check for GS, it revealed a conviction from March 2019 for driving a vehicle with excess alcohol resulting in a disqualification from driving. Mr Ratcliffe drew the Sub-Committee's attention to section 10 of the Hackney Carriage and Private Hire Licensing Policy in relation to driving offences which stated that a licence would not be granted until at least seven years had elapsed since the completion of any sentence or driving ban, only 3 years had passed since the completion of GS's driving ban. GS was present before the Sub-Committee explained the reasons that had led to a misguided decision of driving whilst under the influence of alcohol. GS told the Sub-Committee they were attempting to prevent damage to their car by moving it a short distance to a location GS perceived to be safer.

The Sub-Committee considered the reasons behind GS's actions and it was agreed that GS did not demonstrate their fitness and propriety to hold such a licence.

Resolved:

To refuse the application for a Private Hire Driver's Licence in relation to GS.

F.I

Mr. Ratcliffe presented the case for the Local Authority Mr Ratcliffe informed the Sub-Committee that a new application for a Hackney Carriage Drivers Licence had been received from FI. The Disclosure and Barring Service check revealed a conviction from 2015 for 2 offences, driving whilst disqualified and driving while uninsured.

FI was present before The Sub-Committee and provided more information about the revocation of their Driving Licence, FI told the Sub-Committee that at the time of the suspension, they at the time of the incident had held a full DVLA driving licence for less than 2 years, the licence was revoked with a requirement to pass a driving test.

The Sub-Committee requested further information, FI's explained more context behind the incidents that led to the conviction. At the time of the incident FI had been working for a Homecare company and were caught speeding whilst responding to a notification that one of their patients had suffered a fall, FI further explained, whilst disqualified from driving had driven a friend's car who required medical attention. FI expressed contrition for the incidents.

The Sub-Committee considered that FI demonstrated exceptional circumstances and had decided to depart from the policy and grant the Hackney Carriage Driver's Licence.

Resolved:

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

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 18 JULY 2023

A.R.Y

Lee Petrak Trading Standards and Licensing Manager presented the case of ARY on behalf of the Local Authority. The Licensing Authority requested the Sub-Committee to defer the case relating to ARY, Mr Petrak informed the Sub-Committee that representation had been received from Blackpool Licensed Taxi Operators Association (B.L.O.T.A) and there was more work yet in order to ensure a full account could be presented to the Sub-Committee.

Resolved:

That consideration of the Hackney Carriage Driver's Licence in respect of ARY be deferred to the meeting of the Sub-Committee on the 6 September 2023.

K.J.D

Mr Ratcliffe presented the case for the Local Authority, the Licensing Authority had received notification that KJD's DVLA driving licence had been revoked, KJD held a Horse Drawn Hackney Carriage Driver's Licence for operating a Horse Drawn Carriage, the Sub-Committee noted that a full DVLA licence is not required to hold such a licence.

KJD had provided full details of the incident to the Licensing Authority in writing. An accumulation of 9 penalty points for 2 offences, failing to comply with traffic signals and for using a mobile phone while driving. Due to having held a full DVLA driving licence for less than 2 years, the licence was revoked with a requirement to pass a driving test. KJD expressed regret for the mistakes they had made and were sorry for their actions.

The Sub-Committee considered the transparency in how KJD represented themselves and decided to issue a warning against KJD's Horse Drawn Hackney Carriage Driver's Licence.

Resolved:

To issue a warning against KJD's Horse Drawn Hackney Carriage Driver's Licence that in the event of any future misconduct the licence may be suspended or revoked.

6 DATE OF NEXT MEETING

The date of the next meeting was noted as 6 September 2023.

Chairman

(The meeting ended 7.45 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:	6 September 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 To determine the referrals as appropriate.

3.0 Reason 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 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 and key information

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

A.R.Y (Existing Hackney Carriage Driver's Licence)
H.M (New Hackney Carriage and Private Hire Driver's Licence)
R.J.P (New Hackney Carriage Driver's Licence)
J.M.W (New Private Hire Driver's Licence)
W.J.M (New Horse Drawn Hackney Carriage Driver's Licence)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of appendices

7.1 Appendix 3(a) A.R.Y Details of case (not for publication)
Appendix 3(b) A.R.Y Statement (not for publication)
Appendix 3(c) H.M Details of case (not for publication)
Appendix 3(d) H.M Decision notice 1 (not for publication)
Appendix 3(e) H.M Decision notice 2 (not for publication)
Appendix 3(f) H.M Letter (not for publication)
Appendix 3(g) R.J.P Details of case (not for publication)
Appendix 3(h) R.J.P DBS certificate (not for publication)
Appendix 3(i) J.M.W Details of case (not for publication)
Appendix 3(j) J.M.W DBS certificate (not for publication)
Appendix 3(k) J.M.W DVLA check (not for publication)
Appendix 3(l) J.M.W Application form (not for publication)
Appendix 3(m) W.J.M Details of case (not for publication)
Appendix 3(n) W.J.M DBS certificate (not for publication)
Appendix 3(o) W.J.M DVA check (not for publication)
Appendix 3(p) W.J.M Application form (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 and the impact of this decision for our children and young people

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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Report to:	PUBLIC PROTECTION SUB-COMMITTEE
Relevant Officer:	Lee Petrak, Trading Standards and Licensing Manager
Date of meeting:	6 September 2023

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

1.0 Purpose of the report

- 1.1 To highlight to the Sub-Committee the use of delegated powers to revoke Private Hire and hackney carriage driver licences following consultation with the Chairman

2.0 Recommendation(s)

- 2.1 To note the use of delegated powers by the Trading Standards and Licensing Manager in the period since the last Sub-Committee meeting on 18 July 2023 contained at section 6.8.

3.0 Reason 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 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, information only

5.0 Council priority

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

6.0 Background and key information

- 6.1 The Local Government (Miscellaneous Provisions) Act 1976 provides that the Council may

suspend or revoke or refuse to renew the licence of a hackney carriage or Private Hire vehicle on any of the following grounds:

(a) That he has since the grant of the licence:

(i) Been convicted of an offence involving dishonesty, indecency or violence; or

(ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this Act; or

(b) Any other reasonable cause.

- 6.2 In August 2017, the Sub-Committee agreed changes to the delegation of powers as recent case law had confirmed that a Council cannot use the suspension of a Hackney Carriage or Private Hire driver's licence as holding operation pending further investigation. The Court held that if a Council were to suspend a licence "it must do so by way of a substantive decision on the fitness of the driver to hold the licence, after giving the driver a proper opportunity to state his case, not merely as a means by which to maintain a position pending the final outcome of criminal proceeding."
- 6.3 It was agreed that due to changes in the officer structure that the power be allocated to the Trading Standards and Licensing Manager.
- 6.4 It was agreed therefore that the procedure works as follows:
- 6.5 That in the event of a serious concern being raised regarding the fitness of a driver to hold a Hackney Carriage or Private Hire Drivers' Licence, the Trading Standards and Licensing Manager be tasked in the first instance with investigating the issue. The concern could take the form of convictions, Police information or complaints from the public.
- 6.6 The driver be invited to a formal interview to discuss the area of concern with the Trading Standards and Licensing Manager and either the Chairman or Vice-Chairman of the Public Protection Sub-Committee. Consideration will then be given as to which of the following three courses of action is necessary and proportionate:
- i) That the issue is serious enough to require the revocation of the licence with immediate effect.
 - ii) That while there is a case to answer the issue is not urgent and can therefore be referred for consideration by the next meeting of the Public Protection Sub-Committee or a special meeting of that Sub-Committee.
 - iii) That no action be taken at present, this does not preclude further investigation of the issue
- 6.7 Where the Trading Standards and Licensing Manager acts to revoke a licence, they will bring a report to the next Public Protection Sub-Committee.
- 6.8 On 14 June 2023, a Private Hire driver had been involved in an incident that placed

members of the public at serious risk of harm.

D.C.H (existing Private Hire and Hackney Carriage Driver).

- 6.9 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(a).

A verbal update on this case will be provided at the meeting and action taken.

- 6.10 The Licensing Service received evidence that between the 11 June 2023 and 27 July 2023, a Private Hire Driver had been involved in series of incidents that placed members of the public at serious risk of harm.

H.A (existing Private Hire Driver).

- 6.11 Details of offences or matters causing concern and any supporting documents are attached at Appendix 4(b).

A verbal update on this case will be provided at the meeting and action taken.

- 6.12 Does the information submitted include any exempt information? Yes

7.0 List of appendices

7.1 Appendix 4(a): Notice of Revocation (not for publication)

7.2 Appendix 4(b): Notice of Revocation (not for publication)

8.0 Financial considerations

8.1 None

9.0 Legal considerations

9.1 There is a right of appeal to the Magistrates' Court

10.0 Risk management considerations

10.1 None

11.0 Equalities considerations and the impact of this decision for our children and young people

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