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Blackpool Council

20 October 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

Tuesday, 31 October 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 DECLARATION 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

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

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

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

2 MINUTES OF THE LAST MEETING HELD ON 03 OCTOBER 2023

(Pages 1 - 4)

To agree the minutes of the last meeting held on 03 October 2023 as a true and correct record.

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

(Pages 5 - 24)

To consider an existing Horse Drawn Hackney Carriage Driver, an existing Private Hire Licence Driver and a new applicant for a Private Hire Drivers Licence, who have been convicted of offences or who have otherwise given reasons for concern.

4 DATE OF NEXT MEETING

To note the date of next meeting as Tuesday 5 December 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.

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 3 OCTOBER 2023

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes	Jones	D Scott
Humphreys	Roe	Walsh

In Attendance:

Sharon Davies, Senior Licensing Solicitor
Tyrone Wassell, Democratic Governance Advisor

1 DECLARATION OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 06 SEPTEMBER 2023

The Sub-Committee considered the minutes of the last meeting held on 06 September 2023.

Resolved: That the minutes of the meeting held on 06 September 2023 be approved and signed by the Chairman as a correct record.

3 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

I.U.L.

Mr Ryan Ratcliffe presented the case on behalf of the local authority, on the 16 May 2023, The Licensing Authority had received an application from I.U.L who had made an application to become a licensed as a Hackney Carriage and Private Hire Driver. Applicants are required to submit to Enhanced Disclosure and Barring Service (DBS) check, which had revealed a conviction from December 2008 for several separate offences concerning the supply of Class A drugs in 2008 and that I.U.L had received 6 penalty points on their licence as a result of a speeding offence in March 2022, The Sub-Committee were informed that a recent DVLA check had revealed these points had been current at the time of the meeting.

Mr Ratcliffe brought the Sub-Committee's attention to the relevant Hackney Carriage and Private Hire Licensing Policy regarding offences involving the supply of drugs, which stated that a licence 'would not be granted until at least 10 years had elapsed since the completion of any sentence imposed' I.U.L had also failed to disclose their convictions when completing the application form.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 3 OCTOBER
2023**

I.U.L was present before the Sub-Committee, they admitted being involved with the wrong crowd at the time I.U.L wished to make the distinction that they were only driving a car and did not physically handle any selling of drugs, further to this, I.U.L had since the conviction also done some part time work for delivery companies or as a Private Hire Driver licensed by another authority.

I.U.L was informed that failure to disclose convictions was in of itself an offence, The Sub-Committee questioned them further on the drug related offences and the driving ban they had received, I.U.L told the Sub-Committee that they were not aware of the driving ban and claimed to have contacted the DVLA after coming out of prison and there was no mentioned a driving ban, and that they were not aware that their friends at the time were selling class A drugs but knew they had recreationally used and sold marijuana.

From questions the Sub-Committee asked, I.U.L revealed they had since lived in the Blackpool area for over a decade, had married and cut all ties to the people associated with the historic drug related offences. The Sub-Committee asked for more information on the more recent speeding offence, I.U.L admitted to travelling roughly 50 miles per hour in a 30 mile per hour zone in Blackpool.

The Sub-Committee placed some relevance of the historic drug offences and decided that combined with the recent speeding offences I.U.L had displayed a pattern of behaviour not conducive with someone who would be deemed a fit and proper person to hold such a licence and decided to refuse the application.

Resolved

That the application for a Private Hire and Hackney Carriage Driver's Licence in relation to I.U.L be refused

D.L

Mr Ryan Ratcliffe presented the case on behalf of the local authority, on the 13 July The Licensing Authority received an application from D.L who had made an application to become a licensed Private Hire Driver.

Mr Ratcliffe informed the Sub-Committee that D.L was unable to be present before the Sub-Committee and had requested that the application in relation to D.L be deferred to the next meeting.

The Sub-Committee agreed that the request to defer was reasonable.

Resolved:

To defer the application for a Private Hire's Driver licence for DL until the next Public Protection Sub-Committee Meeting on 31 October 2023

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 3 OCTOBER
2023**

D.W.G

Mr Ryan Ratcliffe presented the case on behalf of the local authority, on the 13 July The Licensing Authority received an application from D.W.G who had made an application to become a licenced Hackney Carriage Driver. Applicants are required to submit to Enhanced Disclosure and Barring Service (DBS) check, which had revealed 4 convictions dating from September 2006 to June 2017, for wounding (2006), criminal damage (2016), failing to surrender to custody (2017) and driving a motor vehicle with excess alcohol (2017) a DVLA check further revealed 2 traffic offences from June 2021, exceeding the speed limit on a motorway and January 2023, exceeding the limit on a public road. D.W.G had at the time of the meeting 6 points on their driving licence.

Mr Ratcliffe drew the Sub-Committee's attention to the relevant Hackney Carriage and Private Hire Licensing policy regarding drink driving which states that a licence 'would not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed'. The incident had at the time of the meeting occurred 6 years ago which would be less than the recommended 7 years stated in the policy.

D.W.G was present before the Sub-Committee and told them that they had been working as a machine driver on construction yards for the past 10 years, however the work in the local area was becoming less frequent and often D.W.G had to travel out of town for work, it was explained to the Sub-Committee that D.W.G had a children and grandchildren in the Blackpool area which they would like to be able to support by being close by.

The Sub-Committee asked D.W.G for further information on all of their convictions, none of which were disclosed on their application form. D.W.G told the Sub-Committee that the historic offences for wounding, criminal damage and failing to surrender to custody, in their view they had a reasonable explanation for.

The more recent offences, driving a motor vehicle with excess alcohol, exceeding the speed limit on a motorway, exceeding the limit on a public road, D.W.G admitted full responsibility for these offences explaining that they had been drinking the night prior to being caught driving with excess alcohol and decided to travel early the following morning resulting in the excess alcohol still being present when tested.

The Sub-Committee considered very carefully about granting the application form for a new Hackney Carriage Driver's Licence. Notwithstanding the explanation given by D.W.G for the offences.

The Sub-Committee determined that the convictions and offences including those for serious motoring offences were not demonstrative of the behaviours expected of professional licensed drivers and that D.W.G had not demonstrated significant mitigating circumstances to convince the Sub-Committee to depart from their policy and so chose to refuse the application.

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 3 OCTOBER
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Resolved:

That the Application for a Hackney Carriage Driver's Licence in relation to D.W.G be refused.

4 DATE OF NEXT MEETING

To note the date of the next meeting as 31 October 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:	31 October 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 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 existing licence holders and applicant are fit and proper persons to hold Private Hire driver licences in respect of the following cases:

D.L (New Private Hire Driver Licence)
C.P.J.S (Existing Private Hire Driver)
Y.S.M.C (Existing Horse Drawn Hackney Driver)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of appendices

7.1 Appendix 3(a) D.L Details of case (not for publication)
Appendix 3(b) D.L Application form (not for publication)
Appendix 3(c) D.L DBS Check
Appendix 3(d) C.P.J.S Details of case (not for publication)
Appendix 3(e) C.P.J.S DVLA check (not for publication)
Appendix 3(f) Y.S.M.C Details of case (not for publication)
Appendix 3(g) Y.S.M.C DVLA Check (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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