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Blackpool Council

24 November 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, 5 December 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 31 OCTOBER 2023

(Pages 1 - 4)

To agree the minutes of the last meeting held on 31 October 2023 as a true and correct record.

*** 3 PRIVATE HIRE DRIVER'S LICENCE**

(Pages 5 - 26)

To consider a licence holder who has been convicted of offences or who has otherwise given reasons for concern.

(This item contains personal information regarding applicants and licence holders which is exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972)

4 DATE OF NEXT MEETING

To note the date of next meeting as Tuesday 16 January 2024.

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, 31 OCTOBER
2023

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes	Jones	Walsh
Humphreys	D Scott	

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 03 OCTOBER 2023

The minutes of the last meeting held on 3 October 2023 were agreed as a true and accurate 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 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES

The Sub-Committee considered cases for a new applicant for a Private Hire Drivers Licence, an existing Private Hire Driver Licence holder and an existing Horse Drawn Hackney Carriage Licence holder.

D.L

Mr Ryan Ratcliffe, Licensing Enforcement Officer presented the case on behalf of the local authority, on the 13 July 2023 The Licensing Authority received an application from D.L who had made an application to become a licensed Private Hire Driver. As part of the application process applicants are required to produce an Enhanced Disclosure and Barring Service (DBS) check which had revealed a Police Caution for a Section 4A, Public Order offence on the 25 June 2023. D.L had failed to disclose any offences when completing their application form.

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Mr Ratcliffe drew the Sub-Committee's attention to the relevant Hackney Carriage and Private Hire Licensing policy regarding offences, including a caution that were violence in nature which stated "a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed."

D.L was present before the Sub-Committee and advised that they were a landlord and had attempted to carry out work to their property which had been tenanted at the time of the assaulted. D.L informed the Sub-Committee that they attempted to gain entry to the property but was refused entry by the tenants partner, D.L claimed that as they left they were assaulted but had no memory of the event. D.L had brought a solicitor's letter for the Sub-Committee, the letter outlined that the Solicitor had applied for an out of court disposal as well as a solicitor's letter D.L had brought some photos showing damage to their face as a result of the assault.

The Sub-Committee questioned how D.L had received a Police Caution if they were assaulted, D.L explained that the tenant called the police about the altercation but D.L had feared reprisal if they did not accepted the caution.

The Sub-Committee had no further questions and considered the letter, pictures and the explanation offered by D.L and accepted the explanation given with the evidence brought before them, and had decided that D.L presented themselves well and demonstrated themselves to be a fit and proper person, the Sub-Committee chose to depart from its policy and grant the Licence.

Resolved:

That the application for a Private Hire Driver's Licence in relation to D.L be granted

C.P.J.S

Mr Ryan Ratcliffe, Licensing Enforcement Officer presented the case on behalf of the local authority, C.P.J.S, an existing Private Hire Licence holder notified the Licensing Service that on the 12 September 2023, that they had received 6 penalty points and a fine on 2 September 2023 for use of a handheld mobile phone/device while driving a motor vehicle on a road. The Licensing Service conducted a DVLA check on the 16 October 2023, which had confirmed that C.P.J.S had been convicted for a breach of requirements as to control of the vehicle whilst using a mobile phone and received 6 penalty points.

Mr Ratcliffe drew the Sub-Committees attention to relevant Hackney Carriage and Private Hire Licensing Policy, which stated the following in relation to using a handheld device while driving "a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed"

Mr Ratcliffe informed the Sub-Committee C.P.J.S did notify the licensing authority in a timely manner and that they had no prior offences on record however C.P.J.S had only held a licence as a Private Hire Driver since August 2023 and is a relatively inexperienced driver having only held a UK driving licence since October 2020.

C.P.J.S had been unable to be present before the Sub-Committee but had submitted a written representation, the Sub-Committee chose to consider the case in C.P.J.S's absence.

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C.P.J.S articulated that they had understood the significance of being a professional Licensed Driver, the written representation went on to express their apology sincere remorse and would use this as an opportunity to reflect upon.

After consideration the Sub-Committee considered that this event happened as an isolated incident but chose to issue a strict warning letter to C.P.J.S.

Resolved:

That C.P.J.S be issued with a strict warning letter outlining that in the event of future misconduct the licence may be suspended or revoked

Y.S.M.C

Mr Ryan Ratcliffe, Licensing Enforcement Officer presented the case on behalf of the Local Authority, on the 3 October 2023 Y.S.M.C an existing Horse Drawn Hackney Carriage Licence holder notified the Licensing Authority that on the 2 October 2023 Y.S.M.C had been convicted for Breach of requirements as to control of the vehicle whilst using a mobile phone and received 6 penalty points and had their full entitlement to drive removed from their licence. Y.S.M.C had held a Horse Drawn Hackney Carriage Driver's Licence since July 2022. The Sub-Committee noted that a full DVLA licence is not required to hold such a licence.

Y.S.M.C did notify the Licensing Authority in a timely manner and had no previous traffic or criminal offences.

Y.S.M.C had been present before the Sub-Committee and told the Sub-Committee that they had not been using their phone. Y.S.M.C had attended court but in the absence of any evidence to substantiate their claim were convicted.

The Sub-Committee had asked if Y.S.M.C had ever used their phone whilst operating the Horse Drawn Hackney Carriage to which the stated that they did not, there had been a compartment on the carriage that Y.S.M.C used to store things such as a mobile phone.

The Sub-Committee felt reassured that Y.S.M.C did not use their phone whilst operating the Horse Drawn Hackney Carriage and decided that given the incident had happened in isolation, the Sub-Committee considered the issuing of a warning letter as to further conduct as the correct action. The Sub-Committee agreed that notwithstanding this singular incident Y.S.M.C remained a suitable person to hold such a licence.

Resolved:

That Y.S.M.C be issued a warning letter that in the event of future misconduct they will appear before the Sub-Committee again to determine their fitness and propriety.

5 DATE OF NEXT MEETING

To note the date of the next meeting as 5 December 2023

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 31 OCTOBER
2023**

Chairman

(The meeting ended 6.41 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:	5 December 2023

PRIVATE HIRE DRIVER'S LICENCE

1.0 Purpose of the report

1.1 To consider a licence holder who has been convicted of offences or who has 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 a Private Hire Driver's Licence in respect of the following case:

R.G.K (Existing)

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

6.3 Does the information submitted include any exempt information? Yes

7.0 List of appendices

7.1 Appendix 3(a) R.G.K Details of case (not for publication)
Appendix 3(b) R.G.K Email from R.G.K (not for publication)
Appendix 3(c) R.G.K Pre-Sentencing Report (not for publication)
Appendix 3(d) R.G.K Email from Police Licensing (not for publication)
Appendix 3(e) R.G.K 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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