

**MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 20 FEBRUARY
2024**

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes	Jones	Walsh
Humphreys	Roe	

In Attendance:

Sharon Davies, Senior Licensing Solicitor
John Greenbank, Democratic Governance Senior Adviser (Scrutiny)
Lee Petrak, Licensing and Trading Standards Manager
Ryan Ratcliffe, Licensing Enforcement Officer

1 DECLARATIONS OF INTEREST

There were declarations of interest made on this occasion.

2 EXCLUSION OF PRESS AND PUBLIC

The Public Protection Sub-Committee considered excluding the public and press from agenda item three as that item contained information which was exempt from publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

It considered that the public interest would not be served by allowing the information to be held in open session due to the sensitive information about individuals outlined.

Resolved: That under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of agenda item three, Taxi Fares Review 2024/25 – Blackpool Taxi Association (B.T.A) Submission and Item four, Hackney Carriage and Private Hire Driver Licences.

3 MINUTES OF THE LAST MEETING HELD ON 16 JANUARY 2024

Resolved: That the minutes of the last meeting held on 16 January 2024 be approved and signed by the Chair as a true and correct record.

**4 TAXI FARES REVIEW FOR 2024/25 - BLACKPOOL TAXI ASSOCIATION (B.T.A)
SUBMISSION**

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented a report outlining a submission from the Blackpool Taxi Association (BTA) of proposed changes to the Blackpool Hackney Carriage Tariffs from March 2024.

Mr Bill Lewtas and Mr Dean James, Blackpool Taxi Association, attended the meeting and

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informed the Sub-Committee that there was a local perception that taxi coverage late at night was poor and the proposal was intended to improve coverage during this time. It was noted that while most operators were supportive of this proposal with a minor issue raised by one operator.

Mr Ratcliffe advised that this had been in relation to Tariff 2, where the view had been expressed that this tariff being used as a minimum between Christmas and New Year would have a negative impact on customers. The BTA however had stated that operators would be able to charge whatever they wished above the minimum imposed under Tariff 2 during this time and they did not foresee any negative impact on customers.

The Sub-Committee was also advised that the proposed charges, although an increase, were below the national average, representing value for money for customers. It was also hoped that by increasing fares existing drivers would be encouraged to remain hackney carriage licence holders, noting a decline in numbers during and following the Covid-19 pandemic.

Ms Sharon Davies, Senior Licensing Solicitor, added that if approved the proposed changes would be subject to consultation period, which if no objections were received, would be implemented under delegated authority by the Trading Standards and Licensing Manager.

Members considered the proposal and the information provided by the BTA and raised concern that an increase in fares could make it more difficult for people to get home late at night, but recognised that the changes represented only a minor increase. It was therefore agreed that the proposal be approved.

Resolved:

1. That a change be made to the yardage and maximum tariffs as outlined in the table attached in Appendix 3(a);
2. That a change be made to add 40 pence to the taxi meter starting price on Tariff 3 from £3.20 to £3.60;
3. That a change be made to add 40 pence to the taxi meter starting price on Tariff 4 from £5.20 to £5.60.
4. That Tariff 2 be the minimum fare effective between 6.00hrs on 27 December and 18.00hrs on 31 December; and
5. That the fare increase be advertised and if no objections are received that the Trading Standards and Licensing Manager be authorised to implement the fare increase.

5 HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE

The Sub-Committee considered the cases of applicants and licence holders who had been convicted of offences or who had otherwise given reason for concern.

- i) DMB

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case in relation to DMB,

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who had failed to disclose a caution for Actual Bodily Harm (ASB) on their application form. The application form had been received in October 2023 and following Disclosure and Barring Service (DBS) check in December 2023 an undisclosed caution for ASB had been revealed.

DMB addressed the Sub-Committee and informed members that the failure to disclose the conviction had been the result of them not being aware that conditional cautions, such as they had received should be included when advising the Council of previous convictions. They explained that the caution had been received following an altercation in defence of a friend from homophobic comments. Following the incident DMB had been arrested and received the caution and a £300 fine.

They added that they were currently employed as a fuel tender driver and held a HGV Licence. Prior to this they had served in the armed forces. DMB concluded that they recognised that they had made a mistake and apologies for the error and stated that such incidents would not occur going forward.

The Sub-Committee considered the information provided and noted the explanation provided by DMB for their failure to disclose the offence on their application form. Members agreed that in light of the circumstances of the case that the licence be granted, but that DMB be warned that failure to disclose offences on an application form was an issue for which the Council could seek to prosecute offenders, although it was not expected that this would occur on this occasion.

Resolved: That DMB's Hackney Carriage and Private Hire Licence be granted.

ii) CDH

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case of CDH, who had made an application for a licence in October 2023. Following a DBS check it had been revealed that CDH had failed to disclose two driving offences. The first of these offences had been a TT99 conviction, representing a disqualification from driving due to CDH acquiring more than 12 penalty points within a 3 year period. This period of disqualification had been between July 2021 and October 2022. Following this period a further CU80 conviction had been recorded, in relation to the use of a mobile phone while driving in October 2022. Mr Ratcliffe advised that as a result of this CDH had received 6 penalty points which would be live on their licence until October 2025.

CDH addressed the Committee and stated that the report provided had incorrectly shown that they had been banned for a period of 15 months, advising that this should be 6 months. They explained that the confusion regarding the dates had been caused by their moving house and them being unaware of penalty points being added to their licence which led to their disqualification. CDH added that they had challenged the DVLA regarding the length of the ban and it had successfully been reduced to 6 months.

In respect of the CU80 offence CDH explained that this had been received while they had been employed at a parcel delivery company. They had been cancelling a delivery route on their mobile device which they had subsequently dropped when stopped by the Police. They emphasised that they had not been using the phone to make a call or text.

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CDH also informed the Sub-Committee that they were a good driver, despite the convictions received, and had never crashed a vehicle since they began driving at the age of 17. Further to this CDH stated that they had worked in public facing industries throughout their working life and therefore was not a risk to customers. The Sub-Committee sought clarification on the location of the TT99 speeding offence that had resulted in CDH being disqualified, however they were unable to remember where it had occurred but stated that it had been due to driving at approximately 35mph in a 30mph zone.

It was also noted that the addresses provided on the DBS check and the licence application were different, with CDH explaining that this had been an error. They added that they had a learning difficulty that made tasks such as completing forms difficult.

Mr Ratcliffe concluded by highlighting Section 9 of the Hackney Carriage and Private Hire Convictions Policy and expressing the view of the Licensing Service that CDH had a poor driving record.

The Sub-Committee considered the information provided and representations made, noted issues in the evidence provided by CDH and expressed concern regarding their driving record. It was therefore agreed that CDH's application for a Hackney Carriage and Private Hire Driver's Licence be refused and that the refusal letter include a warning that although no prosecution would be undertaken for failure to provide details of convictions received, serious consideration was given to undertaking such enforcement in this case.

Resolved: That CDH's application for a Hackney Carriage and Private Hire Driver's Licence be refused.

iii) KJC

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case in relation to KJC. He informed the Sub-Committee that KJC had been involved in a collision while operating their taxi during March 2023. The nature of the collision had raised concern that KJC was a fit and proper person to hold a licence. A video of the incident, taken by KJC's dashboard camera, which had occurred when they passed through a junction during a red light. The video demonstrated that KJC had been substantial distance from the lights when they had changed from green to amber, and that KJC had accelerated from approximately 18mph to 34mph when they passed through the junction.

KJC addressed the Sub-Committee and stated that they took full responsibility for the incident. They advised that the incident had likely been caused by hesitation and an error in their judgement regarding the amount of time available to pass through the junction. They added that this was the first accident that they had been involved in and the first where they had been at fault.

The reporting of the incident was discussed with it being noted that the Licensing Service had been informed of the incident, which had occurred in March 2023, in November 2023. Mr Ratcliffe advised that it was normally expected that an incident would be reported within 72 hours. The incident had been reported by KJC's former employer, for

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whom they had driven at the time of the accident. KJC explained that they had no understanding of why it had taken their former employer as long as it did to report the incident or why they had waited until he had left their employment to do so. They further stated that they were currently employed by another taxi operator within Blackpool.

The Sub-Committee also queried KJC's driving recorded and Mr Ratcliffe advised that they had 3 SP30 speeding offences from 2018, but had incurred none since that time. KJC also provided reassurance that a similar incident would not occur again and that they believed that the incident could have in part been caused by their previous work schedule and the cost of operating on behalf of their previous employer. They advised that they were no longer affected by either of these considerations.

The Sub-Committee considered the information provided and the representations made and noted the seriousness of the incident and the concerns regarding KJC's actions. It was agreed therefore that KJC have their licence suspended for a period of one week and that a severe warning letter be sent advising that if any further incident their licence may be suspended or revoked.

Resolved: That KJC's Hackney Carriage and Private Hire Driver's Licence be suspended for a period of one week with a severe warning letter in the event of any future incidents the licence may be suspended or revoked.

iv) KLR

Mr Ryan Ratcliffe, Licensing Enforcement Officer, presented the case in relation to KLR. He reported that KLR was an existing Private Hire Driver, who following a regular DBS check required under the Council's Hackney Carriage and Private Hire Licensing Policy, had revealed their certificate was no longer valid. This had expired in 2022 and upon questioning KLR had revealed a conviction for possession of a Class A substance. Further to this the Licensing Service had been contacted in January 2024 by Merseyside Police to inform them that KLR had been arrested on suspicion of the offences of Assault Occasioning Actual Bodily Harm, False Imprisonment and Possession of Class A drugs. The Police had advised that these offences had occurred during a domestic incident at a hotel and that KLR's partner had received injuries during it. Mr Ratcliffe noted that the nature of this offences and the failure to disclose them was a serious concern for the Licensing Service.

KLR addressed the Sub-Committee regarding the circumstances of both the arrests they had been subject to. They advised that the first arrest had occurred following an altercation in the street, following which they had been arrested after it was discovered a Class-A drug was in their jacket pocket. KLR stated that the jacket had belonged to a friend and that they had been unaware that it had drugs in it. They had subsequently accepted a caution, despite their assertion that the drug did not belong to them, following advice that it would be the quickest way to resolve the issue without going to court.

The second incident had occurred following an argument with KLR's partner during a night out. KLR stated that they had taken drugs on this occasion and that these had belonged to his partner. They described the domestic incident and their decision to take

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drugs as out of character and not their normal behaviour. Further to this KLR had voluntarily submitted to three drug tests to demonstrate that they were no actively taking drugs, the results of which were provided to the Sub-Committee at the meeting. KLR stated that being a taxi driver was their career and that they had a family to support, while recognising that the incidents had been serious they added that they had been isolated circumstances.

Members of the Sub-Committee further discussed the circumstances of the second arrest and noted that KLR was on bail at the time of the meeting. In respect of the False Imprisonment charge, KLR advised that this had been in relation to their refusal to let their partner leave their hotel room during the domestic incident. They added that their partner had subsequently declined to pursue charges against them, despite their arrest.

The Sub-Committee consider the representations made and the information provided at the meeting. In light of the seriousness of the offences disclosed, particularly the domestic incident in January 2024 it was considered that KLR was not a fit and proper person to hold a licence. Therefore it was agreed that KLR's licence be revoked immediately.

Resolved: That KLR's Hackney Carriage and Private Hire Driver's Licence be revoked with immediate effect.

6 DATE OF NEXT MEETING

That the date and time of the next meeting of the Sub-Committee be noted as Tuesday, 26 March 2024 at 6.00pm.

Chairman

(The meeting ended 8.30 pm)

Any queries regarding these minutes, please contact:
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