

MINUTES OF PUBLIC PROTECTION SUB-COMMITTEE MEETING - TUESDAY, 6 JUNE 2023

Present:

Councillor Hunter (in the Chair)

Councillors

S Brookes	Jones	Scott
Humphreys	Roe	D Scott

In Attendance:

Lennox Beattie, Executive and Regulatory Support Manager
Sharon Davies, Senior Licensing Solicitor
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 25 APRIL 2023

The Sub-Committee considered the minutes of the last meeting held on 6 December 2022.

Resolved: That the minutes of the meeting held on 25 April 2023 be approved and signed by the Chairman as a correct 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 the cases for existing licence holders and new applicants for Private Hire and Hackney Carriage Driver's Licences who had been convicted of offences or who had otherwise given the Licensing Authority cause for concern.

S.M.

Mr Ryan Ratcliffe presented the case to the Sub-Committee on behalf of the Local Authority. S.M had been a licensed driver since 2010 with an exemplary record, in February 2023 the Licensing Service received an application to transfer a licence to S.M, in March 2023 S.M made a written request via email to the Licensing Service to have conditions removed from the Hackney Carriage Vehicle Licence. The previous licence holder held a number of Hackney Carriage Vehicle Licences at that time and due to

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defects/maintenance issues conditions were imposed all their licences by the Sub-Committee in February 2013. The full list of conditions imposed on the licence were:

- The licence holder or a suitably qualified mechanic must inspect the vehicle on a weekly basis
- The licence holder is to implement a vehicle safety inspection regime to be undertaken at a minimum of every two months by a qualified motor engineer. Such records to be kept for 2 years.
- Records of all servicing to be retained for 2 years.
- All service/inspection records must be legible
- All records to be produced to enforcement or police officers within 24 hours of the demand being made.
- The licence holder must implement a procedure to ensure that drivers do a visual inspection of the licensed vehicle each time that they take charge of that vehicle and report any faults with it to the licence holder.

After obtaining the licence S.M. replaced the vehicle attached to the licence with a newer vehicle that was at the time of the report 12 years and 11 months old. The vehicle was inspected in March 2023, no defects or advisories were identified and the vehicle was passed fit for purpose on the same day. Mr Ratcliffe informed the Sub-Committee that the Licensing Service endorsed removing the conditions from S.M's licence.

At the request of S.M the application was considered in their absence.

The Sub-Committee were in agreement that given S.M had replaced the vehicle with a newer model and with S.M's exemplary driving record the Sub-Committee found it reasonable to remove the conditions.

Resolved:

The Sub-Committee agreed to remove the conditions as outlined above, from S.M's Hackney Carriage Drivers Licence

C.B

Mr Ryan Ratcliffe presented the case of C.B on behalf of the Local Authority. In March 2023 the Licensing Service received an application for a new Private Hire Driver's Licence, as part of the application process applicants were required to submit to an enhanced Disclosure and Barring Service (DBS), this check had revealed that C.B had omitted from his application a conviction from 2017 for a harassment offence. While harassment offences were not specifically covered under the Hackney Carriage and Private Hire Licensing Policy, Mr Ratcliffe expressed that it was the opinion of the Licensing Service that an offence of this nature would be relevant when considering a person's fitness and propriety to be a licensed driver and Mr Ratcliffe suggested that a minimum of a strict warning be given should the licence be granted. C.B, who was present at the time of the meeting informed the Sub-Committee that there had been an error message when submitting their application form and it had not been their intention to have the application sent without the offence disclosed on there.

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C.B explained to the Sub-Committee that the offence came about after the break down of a relationship C.B had sent messages to an ex-partner, C.B now recognised this action had been unacceptable.

The Sub-Committee considered the circumstances surrounding C.B's conviction and the recommendation from the Licensing Service and decided that this was an isolated incident, as C.B had no other previous convictions, and decided to grant C.B a Private Hire Driver's Licence subject to a warning as to future conduct.

Resolved:

The Sub-Committee decided that C.B the 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.

M.R

Mr Ryan Ratcliffe presented the case of M.R on behalf of the Local Authority. In March 2023 the Licensing Service received an application for a new Hackney Carriage Driver's Licence. M.R had failed to disclose his previous 3 driving convictions on the application form submitted to the Licensing Service, further to the failure to disclose M.R had produced photo card ID which had expired in June 2022, a relevant and up to date photo card ID was requested by the Licensing Service. M.R provided an in date photo card licence on 20 May 2023 which had been issued on 18 May 2023. Mr Ratcliffe advised the Sub-Committee that it was the opinion of the Licensing Service that M.R had attempted to intentionally mislead the Licensing Service by producing invalid photo card ID which omitted the traffic offences and that M.R had a poor driving record, Mr Ratcliffe advised that the application be refused.

M.R had come before the Sub-Committee with a friend to help translate as English had not been M.R's first language. M.R with the help of their friend, informed the Sub-Committee that they did not realise that the submitted application had to contain previous convictions, M.R told the Sub-Committee that they also did not realise their photo card ID had expired and then because of a mistake on a form to the Driver and Vehicle Licensing Agency (DVLA) they were unable to produce relevant photo card ID in a timely manner.

The Sub-Committee had carefully considered representations made from both the Licensing Service and from M.R. The Sub-Committee decided to not depart from the relevant policy of the Hackney Carriage and Private Hire Licensing policy relating to motoring offences and refused M.R's application for a new Hackney Carriage Driver's Licence as it considered M.R's behaviour and convictions did not demonstrate he was a fit and proper person to such a licence.

Resolved:

To refuse the application for a new Hackney Carriage Driver's Licence in relation to M.R.

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J.H

Mr Ryan Ratcliffe presented the case of J.H on behalf of the Local Authority, in March 2023 the Licensing Service received an application from J.H to become a Private Hire Licenced Driver, J.H's DVLA check revealed an 8 month driving ban from March 2021. J.H was questioned by the Sub-Committee about the driving ban but J.H was unable to provide full details at the time and it was agreed to defer consideration of the matter to enable J.H to consider to be represented.

Resolved:

To defer J.H's application until a future meeting.

C.B.S.B

Mr Ryan Ratcliffe presented the case on behalf of the Local Authority, in April 2023 Trading Standards and Licensing were made aware of an incident in which a Licensed Private Hire driver had picked up a child passenger who was known to Integrated Transport services. The child that C.B.S.B had picked up had a pick up agreement in place which had been arranged to take the child to school with a passenger assist, Integrated Transport services were made aware of the incident by passenger assist who had made contact when the child was not present for the collection.

The ensuing investigation into the matter revealed that the child that C.B.S.B had collected arrived at school earlier than arranged and was left in the car park without appropriate adult supervision but was safely chaperoned inside by a member of staff who happened to see the child in the car park. CCTV footage identified the Premier Cabs driver to be C.B.S.B.

C.B.S.B was consequently interviewed by their employer, Premier Cabs and then by officers from the Trading Standards and Licensing Service, during both interviews C.B.S.B appeared reluctant to admit their involvement or any wrong doing, C.B.S.B did eventually admit to illegally plying for hire. C.B.S.B then recognised what they had done it would have been contrary to the Hackney Carriage and Private Hire Drivers policy.

The Sub-Committee considered C.B.S.B's account of the incident and had accepted that while momentary lapses in judgement could happen considered C.B.S.B pursued a course of conduct that fell well below the standards expected of a licensed driver, the Sub-Committee agreed that the behaviour from C.B.S.B could have had wider implications therefore agreed to revoke C.B.S.B's licence as he was no longer a fit and proper person to hold a Private Hire Driver's Licence.

Resolved:

To revoke the Private Hire Driver's Licence in relation to C.B.S.B.

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5 DATE OF NEXT MEETING

The date of the next meeting was noted as 18 July 2023.

Chairman

(The meeting ended at 8.30 pm)

Any queries regarding these minutes, please contact:

Tyrone Wassell Democratic Governance Adviser

Tel: (01253) 477122

E-mail: tyrone.wassell@blackpool.gov.uk