

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 4 March 2014

Present: Councillor D Jones (in the Chair)
Councillors N Bayley, D Cassidy, J Grimshaw, T Holt,
A Matthews, T Pickstone, A Quinn, S Southworth, B Vincent
and J Walton

Also in attendance:

Public Attendance: There was 1 member of the public present at the meeting.

Apologies for Absence: Councillor I Bevan

825 DECLARATIONS OF INTEREST

Declarations of interest were raised in relation to any item on the agenda.

826 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 13 February 2014, be approved as a correct record and signed by the Chair, subject to the following amendments:

- In respect of LSP.772, Declarations of Interest, 'appellant' should be replaced by 'applicant'.
- In respect of LSP.778, Application for a Pet Shop Licence, it should be noted that members of the Licensing and Safety Panel felt that the request for a pet shop licence was a way to get around the Magistrates' banning order.
- In respect of the same item, LSP.778, in relation to the City and Guilds qualification, it was reported that this qualification could be taken at Preston and Myerscough.

827 PUBLIC QUESTION TIME

Mr Oakes of the Hackney Drivers' Association Ltd, addressed the members of the Licensing and Safety Panel to express his disappointment at the lack of a health and safety assessment in relation to rear loading vehicles. Mr Oakes stated that the last formal application for these vehicles was 2010 and there had been no evidence provided of any health and safety issues regarding this type of vehicle.

The Head of Commercial and Licensing reported that under the Health and Safety at Work Act, a health and safety risk assessments should be carried out by the person who uses the vehicle, which would be the hackney drivers. He stated that the main area of concern is that ranks in Bury Town

Centre are not designed for rear loading vehicles. Following consideration of the matter in 2010, the decision of the Licensing and

Safety Panel was to delegate to the Head of Commercial and Licensing or the Licensing Unit Manager, authority to consider any further similar applications relating to the licensing of rear loading vehicles as Hackney Carriages as they came in, taking into account any risk assessments undertaken.

Mr Oakes stated that he felt it unreasonable to expect a driver to spend thousands of pounds purchasing a vehicle when a licence for it may be refused. He also stated that the rear loading vehicles were being used in other Authorities and suggested designating one rank to these vehicles. He reported that one vehicle had previously been licensed for a private hire in Bury.

The Head of Commercial and Licensing replied that there had been a private hire driver who had used a rear loading vehicle, however, he no longer had this vehicle due to the difficulties he experienced within the Town Centre. It was noted that there were up to twelve different types of vehicles within the fleet of hackney drivers and although they were all side loading, there was no restriction on the type of vehicle.

Mr Oakes was asked why it was so important to have rear loading vehicles and he replied that this vehicle was cheaper than the side loading.

The Chair, Councillor Jones, explained that this issue had been considered on many occasions but if a driver wanted to make an application for a rear loading vehicle, it would be given due consideration.

828 URGENT BUSINESS

There was no urgent business to report at the meeting.

829 EXCLUSION OF THE PRESS AND PUBLIC

Delegated decision:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold Licences granted by the Authority or applicants for Licences provided by the Authority.

830 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES

Delegated decision:

The Licensing Manager presented a report submitted by the Assistant

Director (Localities) regarding applications for Public/Private Hire Vehicles Drivers' Licences.

The applicants were invited to attend the meeting for separate hearings. The Chair outlined the procedure to be followed and the applicants were invited to address the Panel separately on their applications and any matters referred to in the Officer's report. The Licensing Manager read out the contents of each report which were accepted by the applicants.

1. The Applicant 05/2014, who was unrepresented, was invited to address the Panel. The Applicant explained that he had previously been a, licensed private hire driver since 1984 and had no previous convictions or complaints against him. He stated that he could not explain why he had committed the offences shown against him and could provide no reason for giving the individual concern his son's passport before taking him to Paris. He confirmed he knew the individual's passport had expired and also stated he is a family man with a mortgage.

Delegated decision:

The Panel carefully considered of all the representations and the evidence submitted and also noted that the Council's Convictions Policy and Guidelines do not specifically refer to these types of offences, but that they do deal with offences of dishonesty and deception. Taking these matters into account the Panel found that;

- the offence was of a serious nature namely, possess/control identity documents with intent (allowing or inducing another to use it for establishing, ascertaining or verifying personal information for himself or anyone else),
- the sentence for the offence reflected its serious nature namely, 12 months imprisonment,
- The offence was committed less that 12 months ago and the Applicant has only recently been released from prison,
- On the basis of these findings the Applicant was not a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976, to hold a Licence

And therefore the application for a Private Hire Driver's Licence be **refused**.

The Applicant was advised of their right to appeal within 21 days of notification to the Magistrates' Court.

2. The Applicant, 06/2014, who was accompanied by his uncle, was invited to address the Panel. The Applicant explained he currently lives with his parents and works as a delivery driver and has been offered a job as a private hire driver and therefore needed the licence. He stated he has recently married.

The Applicant's uncle asked to address the Panel and explained that the offences committed by the Applicant were his fault as he had asked the Applicant to put property into his name on his behalf, as he could not get

credit due to his bankruptcy. The property related to his uncle's business. The Applicant had agreed, however, the Applicant's uncle and business partner did not pay for or return the property and the Applicant was pursued for its cost and was subsequently prosecuted for failing to disclose property and disposing of it, on behalf of his uncle, contrary to the Insolvency Act 1986. He received a suspended prison sentence as a result.

The Applicant went on to state that he was young and trusted his uncle and also that he had received no benefit himself from his actions and that this was accepted by the court when he was sentenced.

The Panel carefully considered of all the representations and the evidence submitted and the Council's Convictions Policy and Guidelines. Taking these matters into account the Panel found that;

- the offences were of a serious nature namely, bankrupt - failure to disclose disposal of property contrary to section 353 (1)(b) Insolvency Act 1986 and bankrupt - removal of property, contrary to section 354(2) Insolvency act 1986,
- the sentence for the offence reflected its serious nature namely, 3 months imprisonment, suspended for 18 months,
- the Applicant was only sentenced for the offences in January this year,
- on the basis of these findings the Applicant was not a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976, to hold a Licence

And therefore the application for a Private Hire Driver's Licence be **refused**

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The Applicant was advised of their right to appeal within 21 days of notification to the Magistrates' Court.

3. The Applicant 07/2014 was invited to address the Panel. The Applicant explained that the offence of assault was committed as a result of a bullying incident against the Applicants brother. The Applicant stated he had seen his brother's injuries and took the law into his own hands by holding the victim whilst encouraging his brother to hit him. He now regretted the incident particularly as it has affected his employment chances. He stated he is not usually a violent person and would never do such a thing again and has learnt his lesson.

In relation to the offences of driving whilst disqualified, the Applicant explained this was as a result of driving at his father's request to collect flowers for a wedding. He stated that his father was unaware of his ban and the Applicant did not want him to know. He again stated he was very sorry and realised his mistake. He further stated that he is more mature now, is married with a child on the way and as his father passed away a few months ago he now has responsibilities for his mother and younger brothers.

The Panel carefully considered all the representations and evidence and taking into account the Council's Convictions Policy and Guidelines found that;

- The offences were of a serious nature and resulted in serious sentences,
- The offences however were committed more than 6 years and 3 years ago respectively
- The Applicant showed genuine remorse for his actions,

And therefore the application for a Private Hire Driver's Licence be **granted for a 6 month period**. The Panel requested that the Licensing department extend the licence period subject to no issues being brought to light during the 6 month period.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 7.00 pm and ended at 8.05 pm)