

AGENDA FOR

LICENSING AND SAFETY PANEL

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To: All Members of Licensing and Safety Panel

Councillors : Adams, N Bayley, I Bevan, S Briggs, D Cassidy, J Grimshaw, R Hodgkinson, T Holt, D Jones (Chair), A Matthews, A Simpson, S Southworth and J Walton

Dear Member/Colleague

Licensing and Safety Panel

You are invited to attend a meeting of the Licensing and Safety Panel which will be held as follows:-

Date:	Thursday, 17 July 2014
Place:	Meeting Room A & B, Town Hall, Bury
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing and Safety Panel are asked to consider whether they have an interest in any of the matters on the agenda, and if so, to formally declare that interest.

3 MINUTES *(Pages 1 - 6)*

Minutes of the last meeting held on 17 June 2014 are attached.

4 PUBLIC QUESTION TIME

Questions are invited from members of the public present at the meeting on any matters for which this Panel is responsible.

Approximately 30 minutes will be set aside for Public Question Time if required.

5 OPERATIONAL REPORT *(Pages 7 - 10)*

A report from the Assistant Director (Localities) is attached.

6 URGENT BUSINESS

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

7 EXCLUSION OF PRESS AND PUBLIC

To consider passing the appropriate resolution under section 100 (A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following item of business since it involves the likely disclosure of the exempt information stated.

8 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCES *(Pages 11 - 16)*

A report from the Assistant Director (Localities) is attached.

9 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES *(Pages 17 - 20)*

A report from the Assistant Director (Localities) is attached.

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	Tuesday 17 June 2014
Present:	Councillor D Jones (in the Chair), Councillors: P Adams, K S Briggs , D M Cassidy, T Holt, J Grimshaw, R Hodkinson, A K Matthews, A Simpson and S Southworth
Apologies for absence:	Councillors N Bayley, I Bevan and J F Walton
Public Attendance:	There were no members of the public in attendance

LSP.37 DECLARATIONS OF INTEREST

No declarations were made at the meeting.

LSP.38 MINUTES**Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 8 May 2014 be approved as a correct record and signed by the Chair.

LSP.39 PUBLIC QUESTION TIME

There were no members of the public present to ask questions under this item.

LSP.40 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.

LSP.41 PROPOSED SUSPENSION/REVOCAION OF A PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager presented a report submitted by the Assistant Director (Localities) on the proposed suspensions of Private Hire Driver's Licences.

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The licence holders and their representatives were invited into the meeting room for their hearing and the Chairman outlined the procedure to be followed. The Licensing Manager read out the contents of the report which were accepted by each of the Licence Holders.

The Licence Holders and their representatives took the opportunity to address the Panel.

Delegated decisions:

1. That upon considering the written report, the oral representations made by the Licence Holder and his representative and taking account of relevant policy and guidance, the Panel resolved that it was reasonable, necessary and proportionate to take no further action against the Licence Holder identified as 12/2014, but to **admonish the Licence Holder as to future conduct.**

The Panel acknowledged the serious nature of the offence the Licence Holder had been convicted of, but took into account the provocation suffered, the fact the Licence Holder had been the holder of a licence since 1997 and there had been no other complaints or convictions registered against him. The Panel noted the references provided in support of the Licence Holder and was satisfied in this instance that the Licence Holder had showed remorse for his actions and that they would not be repeated.

2. That upon considering the written report, the oral representations made by the Licence Holder and taking account of relevant policy and guidance, the Panel resolved that it was reasonable, necessary and proportionate to take no further action against identified as 20/2014, but to **admonish the Licence Holder as to future conduct and to add a condition to the licence that the Licence Holder appear before this Panel in 6 months time.**

The Panel highlighted the serious nature of the offence the Licence Holder had been convicted of, but noted that the Licence Holder had pleaded guilty and had shown remorse for his actions which were out of character, having had no previous convictions.

LSP.42

APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

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

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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 each of the Applicants.

Delegated decisions:

1. That after careful consideration of the written report and the oral representations submitted by the Applicant and the Applicant's representative and taking into account the Council's Conviction Guidelines, the Panel determined the Applicant to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976 and that the application for a Private Hire Driver's Licence by Applicant 14/2014 be **granted for a period of 6 months**.

The Panel noted the seriousness of the offence disclosed by the Applicant and the resulting prison sentence. It also noted that independent verification of the offence listed had been sought but had not been provided and that the sentence of imprisonment had been given more than 3 years ago.

The Panel requested that the Licensing Officers be authorised to extend the licence period subject to no issues being brought to light during the 6 month period.

2. That after careful consideration of the written report and the oral representations submitted by the Applicant and taking into account the Council's Conviction Guidelines, the Panel determined the Applicant to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976 and that the application for a Hackney Carriage Driver's Licence by Applicant 15/2014 be **granted**.

The Panel noted that the convictions recorded against the Applicant related to matters more than 7 years ago and that the Applicant had shown remorse and changed his life. It was also noted that he had been granted both Hackney Carriage and Private Hire Licences by another authority with knowledge of the conviction.

3. That after careful consideration of the written report and the oral representations submitted by the Applicant and taking into account the Council's Conviction Guidelines, the Panel determined the Applicant to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976 and that the application for a Private Hire Driver's Licence by Applicant 16/2014 be **granted**.

The Panel noted the seriousness of the offences but these had taken place almost 5 years ago and there were no other matters recorded against the Applicant.

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4. That after careful consideration of the written report and the oral representations submitted by the Applicant and taking into account the Council's Conviction Guidelines, the Panel determined the Applicant to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976 and that he application for a Private Hire Driver's Licence by Applicant 17/2014 be **granted for a period of 6 months**.

The Panel noted the seriousness of the offence for which the Applicant was cautioned but noted he had not gained from it and that it had been committed at a time when his father was ill and subsequently died.

The Panel requested that the Licensing Officers be authorised to extend the licence period subject to no issues being brought to light during the 6 month licence period.

5. That after careful consideration of the written report and the oral representations made by the Applicant and his representative and all the evidence presented including written references, and taking into account the Council's Conviction Guidelines, the Panel determined the Applicant not to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976 and that the Applicant identified as 18/2014 and determined that the application for a Private Hire Driver's Licence be **refused**.

The Panel noted that the previous allegations made against the Applicant by a passenger had been denied by him both before Panel and before the Magistrates Court at a subsequent appeal, at which he was unsuccessful. Although he did advise the Panel he now admitted his action, it was noted that he had therefore previously lied to the Panel and Magistrates and had forced the complainant to have to give evidence. Although he had shown remorse the Panel felt that there had been insufficient time since his previous licence had been revoked, for it to be satisfied he was fit and proper.

The Panel concluded that that the actions of the Applicant when previously licensed as a taxi driver still raised serious concerns about public safety. The Panel noted that the applicant had apologised and accepted that his conduct had fallen below the standards expected in order to safeguard the public use of taxis in the Borough.

6. That after careful consideration of the written report and the oral representations submitted by the Applicant and taking into account the Council's Conviction Guidelines, the Panel determined the Applicant to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976 and that the application for a Hackney Carriage Driver's Licence by Applicant 19/2014 be **granted**.

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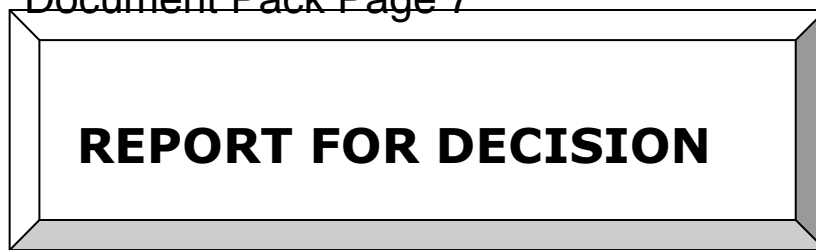
The Panel accepted the Applicants explanation for the offence committed, and although a serious matter, they also noted it had been committed over 3 years ago and that the Applicant holds Hackney Carriage Licences with 2 other authorities who are aware of the conviction.

COUNCILLOR D JONES

CHAIR

(Note: The meeting started at 7.00 pm and finished at 9.35 pm)

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Agenda Item	
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DECISION OF:	LICENSING & SAFETY PANEL
DATE:	17th JULY 2014
SUBJECT:	OPERATIONAL REPORT
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	W A JOHNSON
TYPE OF DECISION:	N/A – Report for information only
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	A report to advise members on operational issues within the licensing service.
IMPLICATIONS:	
Wards Affected:	N/A
Scrutiny Interest:	Internal Scrutiny Panel

1.0 BACKGROUND

1.1 The report advises Members on operational issues within the licensing service.

2.0 BURY PURPLE FLAG

The Council is seeking Purple Flag accreditation for Bury town centre. Purple Flag is a national accreditation scheme for the management of town centres and the night time economy and aims are to raise the standard and broaden the appeal of town centres at night. It is similar to Blue Flags for beaches and Green Flags for parks. Purple Flag Town centres that achieve Purple Flag are considered to be those that are safe, vibrant, appealing, well managed and offer a positive experience to consumers.

Progress to date:

- Bury "Purple Flag" multi agency workshop was held on 29th January 2014 to gauge the level of support for Purple Flag in Bury. An application

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was registered with the ATCM (Association of Town Centre Managers) on 3rd March

- A Purple Flag Board has been established comprising key representatives and stakeholders from the Council and our Night Time Economy.
- Visit to Halifax Town Centre who have achieved Purple Flag status to find out more and learn best practice
- Collection and collation of the necessary supporting information and KPIs for our application e.g. statistics relating to health and crime
- Commissioning of additional KPI benchmarking information - night time footfall and perceptions surveys

Next Steps:

- Finalise submission information
- Overnight self assessment of Bury Town Centre. Friday 18th July 5pm to 5am. Aim is to compare the policy and data in the snapshot with the reality on the ground.
- Complete Self Assessment conclusions chart (a key element of the application) via assessment team.
- Submit application by 15th September 2014.

Assessment process (via assessors appointed by ATCM)

- Initial screening and document review
- External overnight assessment (likely to be October) preceded by afternoon presentation with key officers
- Fact check and assessors report
- Decision by Accreditation Panel (November) three possible decisions: more information, Purple Flag awarded, not ready for Purple Flag
- Awards ceremony (December)

If successful **future actions** will include:

- Preparation and implementation of marketing and promotions strategy
- Preparation of action plan arising from the key issues identified in the snapshot and from the overnight assessment
- Renewal process: operates on a two year cycle, with a light touch renewal after 12 months and a full renewal with external assessment after two years

Marketing and Promotion:

Bury could become the first Greater Manchester Town Centre to achieve Purple Flag which would be a fantastic achievement and bring lots of benefits and promotional opportunities. (Pt of Manchester City Centre already has accreditation).

3.0 HOME TO SCHOOL CONTRACTS

The licensing service is currently working with the Home to School Contract section to assist with the processing of PSV drivers. The service will take over the issuing of the Public Service Vehicle (PSV) driver badges. The process will mirror what is currently being undertaken for Hackney Carriage and Private Hire licensing.

Should any convictions/issues come to the attention of the Council; the PSV applicant/driver will be referred to this Panel for consideration in accordance with the Council's conviction guidelines. Should Members decide that the

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applicant/driver is not suitable (fit and proper) to work on a home to school contract then the matter will be referred to the Home to School Contract team. They will apply sanctions through the conditions of the contract.

4.0 RECENT APPEAL

On the 3rd July 2014, an appeal was considered by Bury and Rochdale Magistrates Court in relation to the Licensing and Safety Panel's decision to revoke a driver's hackney carriage and private hire driver licences for inappropriate behaviour. The appeal was dismissed and the Council has been awarded £2025 towards our costs.

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