

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 4 December 2014

Present: Councillor D Jones (in the Chair)
Councillors Adams, N Bayley, S Briggs, D Cassidy,
J Grimshaw, R Hodgkinson, T Holt, A Matthews,
A Simpson and J Walton

Also in attendance:

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

Apologies for Absence: Councillor I Bevan and Councillor S Southworth

346 DECLARATIONS OF INTEREST

There were no declarations of interest raised in relation to any items on the agenda.

347 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 3 November 2014, be approved as a correct record and signed by the Chair.

348 AMENDMENT TO STATEMENT OF POLICY AND GUIDELINES

The Head of Trading Standards and Licensing presented a report submitted by the Assistant Director (Localities) proposing amendments to the conviction guidelines previously adopted by the Licensing and Safety Panel.

It was explained that relevant legislation provides that the Council shall not grant a licence to hackney carriage proprietors (drivers), private hire drivers and operators unless satisfied the applicant is fit and proper to hold such a driver licence. In determining whether a person is fit and proper, members are entitled to review a person's history of offending and general public conduct. For a number of years, the Licensing and Safety Panel have used conviction guidelines when determining the fit and proper status of applicants and licence holders. The guidelines were developed by the AGMA Licensing Managers Group and a review by the Group has resulted in the amended guidelines.

Within the amended guidelines, the word 'issue' is used, which includes complaints made to the Council, Police, Operators or any other agency. Restorative Justice and other criminal disposals are increasingly used by the Police as a less formal way of dealing with issues and as an alternative to the criminal court system; however, all such disposals will be taken into account when determining if a person is fit and proper. In addition to checks made to the Disclosure Barring Service, Officers will, where appropriate, contact other agencies for any relevant information they may hold. The Council will sometimes be made aware of other

intelligence or low level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Where the Panel is convened as a result of sensitive information being received by the Council, an assessment will be undertaken in balancing a person's right to a fair hearing against whether or not it is in the public interest to hold the hearing *ex-parte*.

Delegated decision:

It was agreed by the Licensing and Safety Panel to adopt the amended conviction guidelines.

349 PUBLIC QUESTION TIME

There were no questions raised under this item.

350 URGENT BUSINESS

There was no urgent business to report at the meeting.

351 EXCLUSION OF 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.

352 SUSPENSION/REVOCATIONS OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Licensing Manager presented a report submitted by the Assistant Director (Localities) regarding the Suspension/Revocation of Hackney Carriage/Private Hire Drivers' Licences.

1. Licence holder 35/2014 attended the meeting and was represented by a friend. The Chair outlined the procedure to be followed and the Licensing Manager read the report which was accepted by the licence holder and his representative.

Delegated decision:

In considering the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, unanimously, to **admonish the licensee as to future conduct.**

2. Licence holder 36/2014 attended the meeting with his wife. The Chair outlined the procedure to be followed and the Licensing Manager read the report which was accepted by the licence holder and his wife.

The licence holder was given the opportunity to address the Panel and circulated written statements in relation to the incidents at Asda car park on 5 September 2014 and at Radcliffe and Walshaw Taxi Office on 5 November 2014.

Delegated decision:

In considering the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, unanimously, to **admonish the licensee as to future conduct** and requested that the licence holder appear before the Panel again after a six month period.

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APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

The Licensing Manager presented reports 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 and the Chair outlined the procedure to be followed. The Applicants and their representatives were invited to address the Panel separately on their applications and any matters referred to in the Officer's report.

1. Applicant 37/2014 attended the meeting and was represented by Mr Oakes of the Hackney Drivers' Association Ltd. The Licensing Manager read the report which was accepted by the Applicant and his representative.

Delegated decision:

The Panel considered the written report and oral representations made by the Applicant and Mr Oakes and determined the Applicant to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and resolved, unanimously, to **grant the application for a six month period**. The Applicant would not need to appear before the Panel again after this time, if there was no breach of the conviction guidelines.

2. Applicant 38/2014 attended the meeting and was unaccompanied. The Licensing Manager read the report which was accepted by the Applicant.

Delegated decision:

The Panel considered the written report and oral representations made by the Applicant and determined the Applicant to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and resolved to **grant the application for a six month period**. The Applicant would not need to appear before the Panel again after this time, if there was no breach of the conviction guidelines.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 7.00 pm and ended at 9.20 pm)