

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 3 March 2015

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

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence: Councillor Adams, Councillor I Bevan and Councillor
J Walton

LSP.769 DECLARATIONS OF INTEREST

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

LSP.770 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 12 February 2015, be approved as a correct record and signed by the Chair.

LSP.771 PUBLIC QUESTION TIME

Mr Charles Oakes of the Hackney Drivers' Association Ltd attended the meeting and addressed the Licensing and Safety Panel with a request for a report to be put before the Panel in relation to restricting the number of Hackney Carriage Vehicles in Bury.

Mr Oakes stated that the last report in relation to this was three years ago and it should be considered again. There were currently 93 Hackney vehicles in Bury and this was to ensure security for trade members and it was asked to recommend the amount of plates that should be issued.

The Deputy Licensing Officer reported that in respect of Mr Oakes' reference to the recent Law Commission Review of the Hackney Carriage and Private Hire trades, these currently are only recommendations to the Government and have yet to enter the Parliamentary legislative process. One of the recommendations is that Hackney Carriages and Private Hire vehicles should remain distinctly separate and that Local Authorities should continue to be able to regulate the number of Hackney Carriages in their area, subject to current regulations. However, the Commission has also recommended that where a Local Authority not currently regulating the number of Hackney Carriage vehicle licences they are prepared to grant decides to do so in the future, that the practice of vehicle licence holders being able to transfer their vehicle together with the licence plate to another individual at a premium rate should cease, so that licence plates can no longer be transferred in the future.

In addition, the Panel is reminded that the view of both the Office of Fair Trading and the Department for Transport is that Local Authorities should not regulate the number of Hackney Carriage vehicle licences they are prepared to issue and that best practice is for market forces to influence such numbers. If the council was minded to consider regulating the number of Hackney Carriage vehicles, any report to Panel, if we were to comply with current regulations, would require the Council to commission an 'unmet demand survey' which in the case of Oldham Council for example, cost them £9,000.

It was agreed:

That following discussions, the Licensing and Safety Panel Members took into consideration the current economic climate and the impact that market forces have already had on reducing the number of Hackney Carriages in the area that they were not mindful to recommend that a report be produced in relation to Bury Council restricting the number of Hackney Carriage vehicle licences it is prepared to grant.

LSP.772 URGENT BUSINESS

There was no urgent business to report at the meeting.

LSP.773 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.

LSP.774 SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

Applicant 43/2014 attended the meeting and was unrepresented. The Chair outlined the procedure to be followed and the Deputy Licensing Officer read the report submitted by the Assistant Director (Localities), which was accepted by the licence holder.

Delegated decision:

The Panel carefully considered the report and the oral representations made by the licence holder and after taking into consideration the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, unanimously, to **revoke the licence**.

The licence holder was reminded of their right of appeal to Bury Magistrates' Court within 21 days.

Licence holder 45/2014 did not attend the meeting and had not attended the previous meeting on 12 February 2015. A sick note had been presented prior to

both meetings and it had been requested by the licence holder's representative, a Licensing Consultant from Sheffield, that the hearing be adjourned this evening.

Delegated decision:

It was agreed unanimously by the Members of the Licensing and Safety Panel that licence holder 45/2014 be adjourned but it was requested that if he was unable to attend the next meeting, could the licence holder's representative attend on his behalf.

Licence holder 47/2015 attended the meeting and was supported by a friend. The Chair outlined the procedure to be followed and the Deputy Licensing Officer read the report submitted by the Assistant Director (Localities), which was accepted by the licence holder.

Delegated decision:

The Panel carefully considered the report and the oral representations made by the licence holder and his friend and after taking into consideration the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, unanimously, to **suspend the licence until 3 July 2015** (in effect, 4 months to coincide with the next MOT).

The licence holder was reminded of their right of appeal at Bury Magistrates' Court within 21 days.

LSP.775 APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Applicant 46/2014 attended the meeting and was supported by his Mother. The Chair outlined the procedure to be followed and the Deputy Licensing Officer presented the report submitted by the Assistant Director (Localities), which was accepted by the Applicant.

Delegated decision:

The Panel considered the written report and oral representations made by the Applicant and acknowledged he was genuinely remorseful for his previous actions 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**.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 7.00 pm and ended at 7.05 pm)