

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 2 April 2015

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

Also in attendance:

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

Apologies for Absence: Councillor Adams, Councillor I Bevan, Councillor A Matthews and Councillor A Simpson

868 DECLARATIONS OF INTEREST

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

869 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 3 March 2015, be approved as a correct record and signed by the Chair.

870 PUBLIC QUESTION TIME

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

871 URGENT BUSINESS

There was no urgent business to report at the meeting.

872 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.

873 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

1. Licence holder 45/2014 attended the meeting and was represented by Mr Laurie of Rossendale Taxi Association. The Chair outlined the procedure to be

followed and the Deputy Licensing Officer read the report submitted by the Assistant Director (Localities), and also
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explained that this licence holder had been due to attend the Licensing and Safety meetings in February and March 2015 but had asked for the hearings to be deferred on medical grounds.

The licence holder was given the opportunity to address the Panel and apologised for his absence at the last 2 meetings but stated that he had provided a doctor's medical certificate for both absences. The Chair, Councillor Jones acknowledged that he had had sight of the certificates.

Delegated decision:

That upon considering the written report, the oral representations made by the licence holder and his representative Mr Laurie and taking into account the relevant policy and the Council's Conviction Guidelines, the Panel agreed, on a unanimous decision, that licence holder 45/2014 have his Private Hire Driver's Licence **suspended for a period of 3 months**.

Pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Panel was satisfied that licence holder's attitude to his passengers was clearly not of paramount concern and in particular they noted:

- The licence holder has now received 4 complaints in relation to his behaviour.
- The licence holder's attitude and behaviour has not improved following each complaint and subsequent written warning.
- The licence holder is not totally aware that his attitude is inappropriate
- The language used by the licence holder, even upon his own admission, is inappropriate, especially in front of children.

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

2. Licence holder 01/2015 did not attend the meeting and asked that the hearing take place in his absence.

Delegated decision:

That upon considering the written report, and taking into account the relevant policy and the Council's Conviction Guidelines, the Panel agreed, on a unanimous decision, that licence holder 01/2015 have his Private Hire Driver's Licence **revoked**.

Pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Panel was satisfied that the conviction is very recent and the offence of supplying drugs is of a very serious nature. Further, the subsequent sentencing acknowledged the serious view taken by the Court.

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

Applicant 02/2015 attended the meeting and was represented by his nephew. The Chair outlined the procedure to follow and the Deputy Licensing Officer read the report which was accepted by the Applicant and his nephew.

Delegated decision:

That after careful consideration of the written report, the oral representations made by the Applicant and his nephew, taking into account the relevant policy and 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 therefore resolved that the application for a Private Hire Driver's Licence by applicant 02/2015 be **refused**.

The Panel noted the Applicant's personal circumstances but found against the Applicant for the following reasons:

- The offences were of a serious nature and had been viewed as such by the court in terms of sentencing
- The date of the offences and subsequent conviction were less than 5 years ago.

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

The Chair, Councillor Jones, thanked all the members of the Licensing and Safety Panel for their contributions in 2014 – 2015 and to Councillor Walton who would be retiring as a Councillor at the end of this municipal year.

COUNCILLOR D JONES
Chair

(Note: The meeting started at Time Not Specified and ended at Time Not Specified)