

## **AGENDA FOR**

### **LICENSING AND SAFETY PANEL**

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**To: All Members of Licensing and Safety Panel**

**Councillors** : P 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:-

<b>Date:</b>	Thursday, 2 April 2015
<b>Place:</b>	Committee Rooms A & B, Town Hall, Bury
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	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.
<b>Notes:</b>	

## **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 - 4)*

To approve and sign as a correct record the minutes of the meeting held on 3 March 2015. A copy of the minutes is 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 URGENT BUSINESS**

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

### **6 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.

### **7 SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES** *(Pages 5 - 12)*

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

### **8 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE** *(Pages 13 - 16)*

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

<b>Minutes of:</b>	<b>LICENSING AND SAFETY PANEL</b>
<b>Date of Meeting:</b>	Tuesday 3 March 2015
<b>Present:</b>	Councillor D Jones (in the Chair), Councillors, N Bayley, K S Briggs, D M Cassidy, J Grimshaw, R Hodgkinson, T Holt, A K Matthews, A Simpson and S Southworth
<b>Apologies for absence:</b>	Councillors: P Adams, I Bevan and J Walton
<b>Public Attendance:</b>	There was one member of the public in attendance

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**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

Licensing and Safety Panel, 3 March 2015

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 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.774 PROPOSED SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVERS' LICENCES**

#### **(E)**

1. 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.

2. 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.

3. 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 APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

**(E)**

2. 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 finished at 9.05 pm)**

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