

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 6 July 2015

Present: Councillor D Jones (in the Chair)
Councillors Adams, N Bayley, J Grimshaw, T Holt, Kelly,
Southworth, Walker and M Wiseman

Also in attendance:

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

Apologies for Absence: Councillor R Caserta, Councillor D Cassidy, Councillor R Hodgkinson and Councillor N Parnell

130 DECLARATIONS OF INTEREST

There were no declarations of interest

131 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 8 June 2015 , be approved as a correct record and signed by the Chair.

132 PUBLIC QUESTION TIME

There were no questions raised under this item.

133 URGENT BUSINESS

Andrew Johnson, Head of Trading Standards and Licensing, reported on a recent health check undertaken within the Licensing Service. The health check had been carried out in response to the Jay report into Child Sexual exploitation in Rotherham and highlighted strengths in Bury around the issues of investigating complaints and the level of Member involvement in decision making.

Delegated decision:

That a report on the outcomes of the Licensing Service Health Check be submitted to a future meeting of this Council.

(Note: This item, which did not appear on the agenda, was allowed by the Chair to be considered as a matter of urgency in order to gain approval for a further report on the issue to the Panel).

134 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.

**135 SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE
DRIVER LICENCES**

- 1.** Licence holder 10/2015 attended the meeting. The Chair outlined the procedure to be followed and the Licensing Unit Manager read the report submitted by the Assistant Director (Localities) which was accepted by the licence holder.

The licence holder was given the opportunity to address the Panel and explained that at the time of the offences he been on medication for depression and was going through a difficult period in his personal life.

He further stated that he was now in a better place in his personal life and no longer on medication.

Delegated decision:

1. After carefully considering the written report and oral statements from the licence holder and the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, **that no further action** be taken.
2. That the Applicant be required to attend the January 2016 meeting of this Panel, at renewal and before if there are any complaints

- 2.** Licence holder 11/2015 attended . The Chair outlined the procedure to be followed and the Licensing Unit Manager read the report which was accepted by the licence holder. The licence holder was given the opportunity to address the Panel and explained that the incident relating to the conviction was completely out of character and occurred at a time when he was going through the breakdown of his marriage

Delegated decision:

After carefully considering the written report and oral statements from the licence holder, the Panel noted the remorse shown by the Applicant and that the conviction related to an isolated incident. The Panel further noted that the licence holder had been driving as a taxi driver for 7 years with no complaints. In considering the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, unanimously, **that no further action** be taken.

- 3.** Licence holder 06/2015 attended the meeting and was represented by his solicitor Ms Syme. The Chair outlined the procedure to be followed and the Licensing Unit Manager read the report submitted by the Assistant Director (Localities) which was accepted by the licence holder and his representative.

Additional documentation by way of a personal character reference, along with copies community service work sheets were submitted at the meeting on behalf of the licence holder.

The licence holder was given the opportunity to address the Panel and explained through his legal representative that the conviction related to a one off incident and he was of good character with no pre-disposition to violence. The incident occurred as a result of the licence holder becoming involved in a dispute between two men with which he had no personal connection.

Delegated decision:

That upon considering the report, character reference, community service work sheets, and the oral representations made, the Panel resolved, unanimously, to **suspend the licence for a period of 6 months.**

Pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Panel noted the serious nature of the incident and the relatively short amount of time that had elapsed since the date of conviction.(18 March 2015) The Panel further noted concern about a licensed taxi driver becoming involved in the disputes of others. The Panel noted the Guidelines in connection with offences of violence. The Panel felt that his behaviour called into question whether he was a fit and proper person to be a licence holder. The Panel felt that the Community Order imposed by the Court should have time to take effect on the Applicant

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

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APPLICATION FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) regarding an application for Private Hire Vehicles Drivers' Licences.

Applicant 12/2015 attended the meeting with his representative. The Licensing Unit Manager read the report which was accepted by the Applicant and his representative.

The Applicant and his representative addressed the Panel and explained that the conviction related to the actions of his brother in law who had used his property for the purpose of criminal activity. On becoming aware of the actions of his brother in law, the Applicant acknowledged that he should have informed the Police.

Delegated decision:

That after carefully considering the written report, the oral representations made by the Licence Holder and his representative and taking account of relevant policy, 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 12/2015 be **refused**.

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

- The offence was of a very serious nature,
- There had been a relatively short amount of time that had elapsed since the conviction
- That being unaware of the criminal activities of a family member within the Applicant's property was not a reasonable defence of such a serious offence. In any event the applicant made reference to other occasions when he knew bags of money had been brought into the house. There was also a money counting machine brought into the house.

137 MR ANDREW JOHNSON

The Chair, Councillor Jones, informed the Panel that this would be the last meeting attended by Andrew Johnson, Head of Trading Standards and Licensing, prior to his retirement from the Authority after 40 years.

All members of the Panel paid tribute to Mr Johnson for his hard work and commitment to the work of the Licensing Department and wished him a long and happy retirement.

COUNCILLOR D JONES
Chair

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