

## **AGENDA FOR**

### **LICENSING AND SAFETY PANEL**

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

**Councillors** : P Adams, N Bayley, R Caserta, D Cassidy, J Grimshaw, R Hodgkinson, T Holt, D Jones (Chair), J Kelly, N Parnell, Sarah Southworth, J Walker and M Wiseman

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>	Monday, 6 July 2015
<b>Place:</b>	Meeting Rooms A & B - Town Hall
<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 - 6*)

Minutes of the last meeting, held on 8 June 2015, are 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 DRIVER LICENCES** (*Pages 7 - 14*)

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

### **8 APPLICATION FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES** (*Pages 15 - 18*)

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

<b>Minutes of:</b>	<b>LICENSING AND SAFETY PANEL</b>
<b>Date of Meeting:</b>	8 June 2015
<b>Present:</b>	Councillor D Jones (in the Chair), Councillors: P Adams, N Bayley, R Caserta, D M Cassidy, J Grimshaw, J Kelly, R Hodgkinson, N Parnell, Sarah Southworth, J Walker and M Wiseman
<b>Apologies for absence:</b>	Councillor T Holt (cl)
<b>Public Attendance:</b>	There were no members of the public in attendance.

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**LSP.58      DECLARATIONS OF INTEREST**

Councillor Cassidy declared a personal and prejudicial interest in respect of Minute LSP.63, Application for Public/Private Hire Driver Licences relating to applicant 09/2015. Councillor Cassidy left the meeting during consideration of this application.

**LSP.59      MINUTES****Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 23 April 2015 , be approved as a correct record and signed by the Chair.

**LSP.60      PUBLIC QUESTION TIME**

There were no questions raised under this item.

**LSP.61      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.62      PROPOSED SUSPENSION/REVOCATION OF HACKNEY CARRIAGE  
(E)      /PRIVATE HIRE DRIVERS' LICENCES**

1. Licence holder 05/2015 attended the meeting and was represented by his solicitor Mrs Ali. 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.

Licensing and Safety Panel, 8 June 2015

Additional documentation by way of a case summary of events, along with a witness statement from the licence holder and copies of garage receipts 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 he had hired out the vehicle in question to another driver with whom he had a verbal agreement with regard to the maintenance of the vehicle. This other driver been out of the country and had left the vehicle with the licence holder who was driving the vehicle while he was away, to take it for its interim test. He had also booked the vehicle in for a re-spray and therefore had to reschedule the first test as the dates coincided. The licence holder acknowledged he was ultimately responsible for the maintenance of the vehicle but stated that he had to rely on third parties, who did not carry out the repairs satisfactorily, to ensure that he was compliant. He had taken the vehicle three times for repairs to be carried out.

The licence holder stated that during the period of time that the vehicle was in and out of the garage for repairs the vehicle had not been in use. He also through his representative pointed out he had been a licence holder since 2003 and had never appeared before the Panel before and that this would never happen again.

### **Delegated decision:**

That upon considering the report, case summary, witness statement, garage receipts 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 was satisfied that licence holder's attitude to his vehicle and its maintenance was clearly not of paramount concern and in particular they noted:

- There were a large number of faults detected on the vehicle on 3 separate occasions,
- There were a number of serious and dangerous faults detected including those which amounted to MOT failings
- These faults had clearly developed over a period of time
- Certain of the faults should have been obvious just from getting into and driving the vehicle
- That the catalogue of events that contributed to the licence holders failure to maintain his vehicle.

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

2. Licence holder 04/2015 attended the meeting with his wife. The Chair outlined the procedure to be followed and the Licensing Unit 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

**Delegated decision:**

After carefully considering the written report and oral statements from the licence holder, the Panel noted that following an admonishment issued in December 2014 no complaints had been received against the licence holder in the interim period.

In considering the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, unanimously, **that no further action** be taken

3. A request was submitted from licence holder 06/2015 for the matter to be deferred, as the licence holder's solicitor was unable to attend.

**Delegated decision:**

That the case relating to the driver identified as 06/2015 be deferred to a future meeting of this Panel.

**LSP.63**

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

**(E)**

The Licensing Unit 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 07/2015 attended the meeting with his legal representative Mr Allanson. The Licensing Unit Manager read the report which was accepted by the Applicant and his representative.

The Applicant and his legal representative addressed the Panel and expressed remorse for the incident and the embarrassment it had caused his family, concerning his conduct towards a young girl that had resulted in the revocation of his licence. He further explained the financial effect this had on himself and his family and that it was hoped that sufficient time had now passed since the incident in May 2012, for the Panel to consider granting him a licence again. Copies of personal and work references were submitted to the Panel along with a Certificate of a BTEC Award in Transporting Passengers by Taxi.

## **Delegated decision:**

The Panel considered the written report and oral representations made by the Applicant and his representative Mr Allanson along with the written references and certificate submitted. The Panel noted the remorse shown by the Applicant; the length of time that had elapsed since the incident; and the reassurances given.

The Panel 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 or other complaints against him during that period.

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

2. Applicant 08/2015 attended the meeting and was accompanied by his wife and uncle. The Licensing Unit Manager read the report which was accepted by the Applicant. The Applicant, through his wife, addressed the Panel and expressed remorse before explaining that the circumstances of the offences of failing to stop after an accident and driving without due care. It was explained that the Applicant had initially panicked and was in shock after realising he had collided with a cyclist. He then telephoned a relative before returning to the scene of the accident. He had worked a 12 hour shift on the day in question and was due to finish when the accident occurred.

He further stated that he had no other convictions, now has his licence back and had learned from the punishment he received for the accident which had occurred 3 years ago.

## **Delegated decision:**

That after carefully considering the written report, the oral representations made by the Licence Holder and his wife and taking account of 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 08/2015 be **refused**.

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

- The offences were of a serious nature,
- The Applicant had shown little remorse for the injuries to the cyclist involved,
- The Applicant had committed the offences at a time when he was a relatively inexperienced driver,

- The date of the subsequent reinstatement of the Applicant's DVLA licence was less than 3 years ago and albeit not a disqualification, this is in line with the Conviction Guidelines.

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

3. Applicant 09/2015 attended with his friend Mr Porter, the owner of Harvey's Taxis who provided a character reference for the Applicant. A further character reference from the Applicants wife was submitted at the meeting. The Licensing Unit Manager read the report which was accepted by the Applicant.

The Applicant explained the offences listed within the report were all a result of being under the influence of alcohol and that he was remorseful for his past actions. He stated that he had put his past behind him and no longer drinks alcohol, which he acknowledged had always been the problem. He further stated that he has had no further convictions since the last one stated in the report in March 2011 and had never had any for drinking and driving.

**Delegated decision:**

That after carefully considering the written report and oral representations made by the Applicant and his friend and taking account of relevant policy and the Council's Conviction Guidelines, the Panel determined the Applicant to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976 and therefore 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 or other complaints against him during that period.

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

**COUNCILLOR D JONES  
CHAIR**

**(Note: The meeting started at 7.00 pm and finished at 9.25 pm)**

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