

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 3 September 2015

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

Also in attendance:

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

Apologies for Absence:

LSP.264 DECLARATIONS OF INTEREST

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

LSP.265 PUBLIC QUESTION TIME

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

Mr Charles Oakes of the Hackney Drivers' Association Ltd had presented a question in writing to the Licensing and Safety Panel in relation to Taxi Marshalls being present at the rank on Kay Gardens. Councillor Jones, Chair, stated that this issue would be discussed at the next meeting of the Hackney Carriage/Private Hire Liaison Meeting to be held on 22 September 2015 and the outcome would be reported back to the next meeting of the Licensing and Safety Panel in October 2015.

LSP.266 MINUTES OF THE LAST MEETING

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 6 July 2015, be approved as a correct record and signed by the Chair.

LSP.267 REVIEW OF STATEMENT OF LICENSING POLICY

The Assistant Director (Localities) submitted a report with regard to the requirement for the Local Authority as Licensing Authority to prepare and publish a statement of Licensing Policy at least every five years. The existing Policy was agreed by Council on 15 December 2010 with an effective date of the 7 January 2011.

To comply with the statutory five year review a revised Policy has to be agreed by Council by 7 January 2016.

In preparing the Policy a Licensing Authority had to have regard to the Secretary of State's guidance under Section 182 of the Act.

A copy of the proposed new statement of Licensing Policy was attached to the report.

The consultation had been in accordance with Cabinet Office guidelines which required a twelve week period of consultation. Feedback from the consultation was attached to the report and incorporated where relevant.

The Policy would need to be agreed by Council to adopt at its meeting on the 21 October 2015.

RECOMMENDATION TO COUNCIL

That Council agree to adopt the Licensing Policy as outlined in the report.

LSP.268 INTRODUCTION OF 3 YEARLY DRIVER AND 5 YEARLY OPERATOR LICENCES

The Assistant Director (Localities) submitted a report relating to amendments to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 by virtue of the Deregulation Act 2015 in relation to the grant of Hackney Carriage/Private Hire Drivers' Licences and Private Hire Operator Licences and the recent abolition of the DVLA Driver Licence Counterpart.

The abolition of the DVLA counterfoil has already occurred, the other legislative changes mentioned take effect from 1 October 2015. They provide for the routine granting of Licences with a period of validity in respect of Hackney Carriage and Private Hire Driver Licences of 3 years and in respect of Private Hire Operator Licences of 5 years; unless the Council thinks it appropriate in the circumstances of the case to grant for a lesser period. The changes may impact on the Council's ability to determine an Applicant/Driver's fit and proper status.

As part of the process of ascertaining an Applicant's 'fit and proper' status an enhanced Disclosure and Barring Service (DBS) check is undertaken on initial application and on the third anniversary. In order to ensure applicants and licence holders benefit, it is proposed that the dates of licences and DBS checks are synchronised. Members of the Panel were asked to consider delegating authority to the Head of Trading Standards and Licensing and/or the Licensing Unit Manager to grant licences for a lesser period, for this purpose, where there are no convictions or other issues regarding the application or renewal.

Delegated decision:

It was agreed that the Head of Trading Standards and Licensing and/or the Licensing Unit Manager is delegated to grant Licences for a lesser period than the 3 or 5 year periods.

LSP.269 URGENT BUSINESS

The Licensing Manager informed members of the Licensing and Safety Panel that the Operational report, which presents updates on operational issues within the Licensing service, would be re-introduced for the next Panel meeting.

LSP.270 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.271 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENSES

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) on the proposed suspensions of Private Hire Driver's Licences.

Licence Holder 17/2015 did not attend the meeting. The Licensing Unit Manager explained that he had tried to contact the Licence Holder and informed him in writing of the date of the meeting. A letter had been presented to the Licensing Officer at 12 pm on the day of the meeting explaining that he would not be attending the meeting and stating that due to the lack of work in the past few months he was considering not renewing his licence anyway.

Delegated decision:

1. That upon considering the written report and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel agreed, on a majority decision, that Licence Holder 17/2015 have his Private Hire Driver's Licence **revoked**.

The Licence holder would be notified in writing of their right to appeal to Bury Magistrates' court within 21 days.

LSP.272 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENSES

The Licensing Unit Manager presented a report 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. The Chair outlined the procedure to be followed and the Applicants were invited to address the Panel separately on their applications and any matters referred to in the Officer's report. The Licensing Unit Manager read out the contents of each report which were accepted by each of the Applicants.

1. Applicant 13/2015 did not attend the meeting.

Delegated Decision

It was agreed unanimously by the Licensing and Safety Panel to defer this hearing until the next meeting on 15 October 2015.

2. Applicant 14/2015 attended the meeting and was accompanied by his wife.

Delegated decision:

The Panel considered the written report, the oral representations made by the Applicant and his wife. It noted the Applicant's circumstances and the remorse he showed.

In accordance with the Local Government (Miscellaneous Provisions) Act 1976 and taking into account the relevant policy and the Council's Conviction Guidelines, the Panel determined that Applicant 14/2015 was a fit and proper person and resolved to **grant the application for a Private Hire Drivers Licence 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 15/2015 attended the meeting but following questions from the Licensing and Safety Panel and the need for more information, it was agreed to defer this hearing.

Delegated Decision:

It was agreed unanimously by the Licensing and Safety Panel to defer this hearing until the next meeting on 15 October 2015.

3. Applicant 16/2015 attended the meeting and was accompanied by Mr Khan.

Delegated decision:

The Panel considered the written report, the oral representations made by the Applicant and his colleague. It noted the Applicant's circumstances and the remorse he showed.

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 16/2015 be refused**.

The Panel noted the Applicant's personal circumstances but found

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 ended at 8.40 pm)