

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 9 June 2016

Present: Councillor D Jones (in the Chair)
Councillors P Adams, I Bevan, J Grimshaw, R Hodgkinson,
G Keeley, J Kelly, O Kersh, Sarah Southworth, J Walker and
S Wright

Also in attendance:

Public Attendance: There was 1 member of the public present at the meeting.

Apologies for Absence: Councillor N Bayley and Councillor A McKay

LSP.31 DECLARATIONS OF INTEREST

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

LSP.32 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 11 April 2016, be approved as a correct record and signed by the Chair.

LSP.33 PUBLIC QUESTION TIME

There were no public questions raised under this item.

LSP.34 INTRODUCTION OF ADDITIONAL PREREQUISITE ASSESSMENTS

A report by the Assistant Director (Localities) was submitted to the Licensing and Safety Panel in relation to a proposal to introduce prerequisite assessments for all new applications for the grant of a Hackney Carriage/Private Hire Driver Licence. The report requested that the Council introduce two pre application assessments for all new applicants to undergo to ensure they hold the appropriate minimum communication, numeracy and driving skills.

The Licensing Unit Manager set out the rationale behind the proposals along with details of the current DVSA Driver assessment; current arrangements across Greater Manchester; and details of the consultation process which were all appended to the report.

Delegated decision:

1. That all new applicants for a Hackney Carriage/Private Hire Driver licence must provide evidence to the Council at the time of submitting their application, that they have attended and passed the following:

- a. A Driver & Vehicle Standards Agency (DVSA) driving assessment relevant to the type of licence they are applying for and
 - b. If they cannot produce documentary evidence that they have gained an O Level /GCSE /CSE/ pass in English and Mathematics or the ESOL entry level 1 or equivalent, that they be required to undertake and pass an assessment of their communication/numeracy skills by an assessor approved by the Council.
2. That a report reviewing progress of the new arrangements set out in (1) above be submitted to this Panel in 6 months time.

LSP.35 URGENT BUSINESS

There was no urgent business to report

LSP.36 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.37 APPLICATION FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES

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 and the Chair outlined the procedure to be followed. The Applicants were invited to address the Panel separately on their applications and any matters referred to in the Officer's report.

1. The Licensing Unit Manager reported that Applicant 16/2016 had requested that the application be deferred to a future meeting.
2. The Licensing Unit Manager reported that Applicant 17/2016 was in the process of providing further information to the Licensing Department and requested the application be deferred pending the additional information.
3. The Licensing Unit Manager reported that Applicant 18/2016 had withdrawn the application.
4. Applicant 19/2016 attended the meeting and was accompanied by his wife and represented by Mr Charles Oakes. The Licensing Unit Manager reported to the Panel that following further communication with Bolton Crown Court it had come to light that the original conviction had not had not been varied at Appeal, as referred to in the report, other than for the addition of £415 court costs.

The Applicant, through his representative, explained to the Licensing and Safety Panel that he had previously worked as a taxi driver for 26 years with no complaints from any customers. In relation to the offence it was stated in mitigation that the applicant had been undergoing treatment for cancer and it was a very difficult period in his life. The Applicant apologised for his past behaviour and acknowledged he had presented issues of anger and frustration. In order to address these issues it was reported that the applicant had undergone 6 sessions of Cognitive Behavioural Therapy which had been a very positive experience and which he is willing to continue with. A letter from his Counsellor at Bury Primary Care was submitted to the Panel.

Delegated decision:

The Panel carefully considered the report and 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 19/2016 be refused.**

The Panel acknowledged the positive steps taken by the applicant to address his issues of anger and frustration but noted the seriousness of the offence and the relatively short amount of time that had elapsed since the date of the conviction.

The Applicant was notified 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 8.25 pm)