

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 14 July 2016

Present: Councillor (in the Chair)
Councillors P Adams, N Bayley, I Bevan, J Grimshaw,
R Hodgkinson, G Keeley, J Kelly, A McKay, Sarah Southworth,
J Walker and S Wright

**Also in
attendance:**

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

Apologies for Absence: Councillor O Kersh

LSP.136 DECLARATIONS OF INTEREST

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

LSP.137 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 9 June 2016, be approved as a correct record and signed by the Chair.

LSP.138 PUBLIC QUESTION TIME

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

LSP.139 OPERATIONAL REPORT

The Assistant Director (Localities) submitted a report advising Members on operational issues within the Licensing Service.

The report set out updates in respect of the following issues:

- Driver Assessments
- Home Study Pack Review – Expected Conduct of a Licensed Driver.
- Premises Licence Reviews
- Parklife Event

During discussion of this item, Members of the Panel placed on record their appreciation for the hard work of the Licensing Department in relation to the Parklife event, held in Heaton Park on 11th and 12th June 2016.

It was agreed:

That the report be noted.

LSP.140 URGENT BUSINESS

There was no urgent business reported.

LSP.141 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.142 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Licensing 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. Applicant 16/2016 attended the meeting and was accompanied by his legal representative. The report was read by the Licensing Unit Manager and was accepted by the Applicant and his legal representative. Through the Applicant's representative, it was explained that the Applicant had not sought to deceive the Licensing Department by not declaring the offences listed in the report relating to the removal of and failure to disclose the disposal of personal as an undischarged bankrupt. On examination of the Applicants Private Hire Licence application form it was noted that the Applicant had made reference to the fact he had been made the subject of a bankruptcy order at Bolton County Court, but there was no reference to the subsequent convictions for offences connected to that bankruptcy.

In relation to the offences the Applicant's representative explained that he had been a young man at the time, pleaded guilty immediately and expressed regret over the incidents. He had, it was explained, felt pressurised to comply with the requests of an older family member. In addition, the Applicant's representative explained that the Applicant would, if given the opportunity, have pleaded guilty much earlier. This would have resulted in a far earlier date of conviction as the actual offences occurred almost 5 years ago and the conviction occurred in January 2014.

Delegated decision:

The Panel carefully considered the written report and the oral representations made by the Applicant and the Applicant's Legal

representative and taking into account the Council's Conviction Policy and Guidelines, in accordance with the Local Government (Miscellaneous Provisions) Act 1976 the Panel determined that Applicant 16/2016 was a fit and proper person and resolved to **grant the application for a Private Hire Driver's Licence**.

The Panel noted that;

the offences although serious, had been committed almost 5 years ago when the Applicant was much younger

- the offences had been the result of pressure imposed on the Applicant from an older family member
- the Applicant had pleaded guilty at the earliest opportunity
- the Applicant expressed regret over the incident
- the Applicant had disclosed his bankruptcy.

2. Applicant 20/2016 attended the meeting and was accompanied by his wife. The report was read by the Licensing Unit Manager and was accepted by the Applicant. Through his wife, the Applicant stated that the offence referred to related to using a vehicle with no insurance, had been the result of him unknowingly being uninsured, due to his insurance company not notifying him that the policy had been cancelled, as a result of a failed direct debit payment due to lack of funds. The Applicant's wife explained that she manages the family finances and had not noticed the lack of funds in their joint account. The Applicant accepted that the lack of insurance had only been found out after he had a road traffic accident, but also stated that he has a job offer with a local private hire operator, a mistake had been made and he regretted it.

Delegated Decision:

The Panel carefully considered the written report, the oral representations made by the Licence Holder and his wife and taking into account the Council's Conviction Policy and Guidelines in accordance with the Local government (Miscellaneous Provisions) Act 1976 the Panel determined the Applicant not to be a fit and proper person and therefore resolved that the application for a Private Hire Driver's Licence by Applicant 20/2016 be **refused**.

The Panel noted the circumstances of the offence, but found that;

- the offence was of a serious nature
- there had been short amount of time that had elapsed since the commission of the offence and conviction
- the Applicant had only found out he was uninsured after he had a road traffic accident
- it was for the Applicant not his wife to ensure that his insurance was valid and that premiums were paid.

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

3. Applicant 21/2016 attended the meeting and was unaccompanied. The Licensing Unit Manager presented the report, which was accepted by the Applicant.

The Applicant then addressed the Panel and explained that in relation to the offence of using a vehicle with no insurance, he had cancelled his policy whilst on holiday. On his return he had telephoned to reinstate the policy, but was subsequently stopped by the police and told he was uninsured. The Applicant acknowledged that following the telephone conversation with the insurance company he had not sought to check for a confirmation email relating to the reinstatement of the policy. He stated that this was a mistake and he regretted it and would never drive without insurance knowingly or make the same mistake again.

Delegated Decision:

The Panel carefully considered the written report and the oral representations made by the Applicant and taking into account the Council's Conviction Policy and Guidelines, in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Panel determined that Applicant 21/2016 was a fit and proper person and resolved to **grant the application for a Private Hire Driver's Licence for 12 months.**

The Panel found that:

- the offence was of a serious nature
- the date of conviction was over 3 years prior to the date of application
- the Applicant showed remorse for his mistake.

4. Applicant 22/2016 attended the meeting and was accompanied by a friend, the operator of a local taxi company. The Licensing Unit Manager read the report which was accepted by the Applicant.

The Applicant addressed the Panel and explained that although the incident that had resulted in a conviction for battery against his wife had occurred, he had not hit his wife, but had only pushed her away and no injuries were suffered. He explained that his wife had not wished to press charges, but had called the police, who had decided to pursue the matter to court. The Applicant stated that he had a young child and he and his wife, although not yet living back together, were hoping to do so in the near future and he now needed to be able to support his family financially.

The Applicants friend advised the Panel that the Applicant had worked for his company in the past without any complaints and he would offer him a job if his application was successful.

Delegated decision:

The Panel carefully considered the written report, the oral representations made by the Licence Holder and his friend and taking into account the Council's Conviction Policy and Guidelines, in accordance with the Local government (Miscellaneous Provisions) Act 1976 the Panel determined the Applicant not to be a fit and proper person and therefore resolved that the application for a Private Hire Driver's Licence by Applicant 22/2016 be **refused.**

The Panel found that;

- the offence was of a very serious nature

- the offence had been committed just over 2 years ago
- the conviction is less than 3 years prior to the date of the application
- the sentence for the offence was an 18 month conditional discharge and this period had only recently expired
- the Applicant admitted assaulting his wife and had pleaded guilty
- the Applicant showed no remorse or recognition of the seriousness of the offence.

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

COUNCILLOR
Chair

(Note: The meeting started at 7.00 pm and ended at 8.25 pm)