

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 1 September 2016

Present: Councillor D Jones (in the Chair)
Councillors P Adams, N Bayley, I Bevan, J Grimshaw,
R Hodgkinson, G Keeley, J Kelly, O Kersh, 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:

LSP.205 DECLARATIONS OF INTEREST

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

LSP.206 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 14 July 2016, be approved as a correct record and signed by the Chair.

LSP.207 PUBLIC QUESTION TIME

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

The Chair, Councillor Jones, referred to 2 written questions that had been submitted in writing by Mr Charles Oakes, concerning enforcement at taxi ranks and Police numbers in the town centre. The Head of Service (Trading Standards and Licensing) provided a verbal update to the Committee and undertook to provide Mr Oakes with a full written response.

LSP.208 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
Taxi Licence Appeal

Further to the information set out in the report, the Head of Service (Trading Standards and Licensing) provided a verbal update in respect of a recently held Licensing Hearings Panel for Alt House Bar which resulted in noise conditions being imposed along with a reduction in licensed hours.

It was agreed:

That the report be noted.

LSP.209 URGENT BUSINESS

There was no urgent business reported.

LSP.210 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.211 APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCES

The Licensing Officer 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 23/2016 attended the meeting. The report was read by the Licensing Officer and was accepted by the Applicant. With regard to the offence of failing to disclose the identity of the driver of his private vehicle at the time of a speeding offence, the applicant explained that he had sold the vehicle and was under the impression that the new owner had applied for the log which had been missing at the time of the sale.

The Applicant acknowledged that he should have made efforts to ensure DVLA were informed about the lost log book and should not have relied on the new owner to liaise with DVLA.

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 23/2016 was a fit and proper person and resolved to grant the application for a Private Hire Driver's Licence.

2. Applicant 24/2016 attended the meeting . The report was read by the Licensing Officer and was accepted by the Applicant. The Applicant explained that

the allegations relating to his step daughter, that resulted in the Police intelligence being provided to the Licensing Department, were as a result of a dispute with his ex wife. The Applicant stated that no conviction had resulted and submitted a letter from the Police confirming no further action would be taken. In addition, certificates concerning his historical employment, in Britain and abroad, were also submitted to the Panel at the meeting. With regard to the alleged offence, the applicant stated that an exchange of social media messages was the result of his phone having been hacked.

Delegated Decision:

The Panel carefully considered the written report, the oral representations made by the Licence Holder and acknowledged that the Council's Conviction Policy and Guidelines did not cover the disclosure of intelligence from the Police that had not resulted in a criminal conviction. 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 24/2016 be **refused**.

The Panel noted the circumstances of the case, and found that;

- The non conviction intelligence would only be provided to the Panel in cases where the Police reasonably believe that the information was relevant for consideration as part of the application process.
- Although the applicant had not been convicted, the seriousness and nature of the non conviction intelligence disclosed by the Police was such that the applicant did not meet the high threshold required for the grant of a licence in Bury.

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

3. Applicant 25/2016 attended the meeting and was accompanied by a friend to assist with interpreting and by the operator of a local taxi company. The Licensing Officer presented the report, which was accepted by the Applicant.

The Applicant then addressed the Panel through the interpreter and taxi company operator explaining the circumstances relating to a complaint from a member of the public which had resulted in his licence being revoked with immediate effect. It was acknowledged by the applicant that alcohol had been consumed and he was therefore in breach of their licence conditions. The taxi company owner highlighted that the applicant was not charged by the Police following breath tests and that no other complaints had been received in relation to the applicant during the 2 years he had been driving for his company.

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 25/2016 was not a fit and proper

person and resolved that the application for a private hire driver's licence be **refused**.

The Panel found that although the applicant had not broken the law, the seriousness of the offence that had resulted in the immediate revocation of his previous licence, namely consuming alcohol whilst working, was such that he had fallen below the standards required by the Authority in respect of ensuring the safety of the travelling public.

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

4. Applicant 26/2016 attended the meeting and was unaccompanied. The Licensing Officer read the report which was accepted by the Applicant.

The Applicant addressed the Panel and explained that the offences related to a time when he had only been in the country for 7 months. He had acted on behalf of a friend in good faith and stated that his naivety of the situation meant he did not realise he was doing anything fraudulent or illegal. As such he did not attempt to flee the scene and co-operated fully with the bank staff and Police.

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 26/2016 was a fit and proper person and resolved to grant the application for a Private Hire Driver's Licence.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 7.00pm and ended at 8.55pm)