

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 15 November 2016

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

Also in attendance:

Public Attendance: There was one member of the public in attendance

Apologies for Absence: Councillor N Bayley, Councillor I Bevan and Councillor A McKay

LSP.364 DECLARATIONS OF INTEREST

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

LSP.365 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 12 October 2016, be approved as a correct record and signed by the Chair.

LSP.366 PUBLIC QUESTION TIME

There were no questions raised under this item.

LSP.367 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:

Pre-application assessments – The Licensing Manager informed the Members that assessments are continuing to be undertaken by the adult learning team. 26 assessments have been carried out, of which 20 passed, 6 failed with none failing to attend.

In relation to suppliers of the pre-requisite driving assessments, the Licensing Manager stated that two companies have been authorised to undertake assessments.

On 8 November 2016, the Chair of the Licensing and Safety Panel and the Licensing Service met with representatives from the Hackney Carriage and Private Hire trade to discuss various issues and the minutes of this meeting were forwarded to the Trade representatives and all members of the Licensing and Safety Panel.

It was agreed:

That the report be noted.

LSP.368 URGENT BUSINESS

There was no urgent business reported.

LSP.369 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.370 SUSPENSION/REVOCAION OF A DRIVER LICENCE

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

1. Licence holder 30/2016 attended the meeting and was represented by Mr G Bridge and accompanied by Mr C Oakes of the Hackney Drivers' Association Ltd. The Chair outlined the procedure to be followed and the Licensing Manager read the report, explaining that on 5th September 2016, the Licensing Service had received a complaint that the Licence Holder had been parked at the side of the road and had called out to the complainant asking if he wanted to be taken home and had subsequently inappropriately touched the complainants hand. When the Licence Holder had been spoken to about the incident he initially did not recall it and then denied it. The report went on the outline 4 previous complaints received by the Licensing Service about the Licence Holders conduct, all of a similar nature.

In response, the Licence Holder and his representative Mr G Bridge asked questions and made various statements on the report, including:

In relation to the incident on 5 September 2016, the Licence Holder denied the allegation and raised the fact that there are a number of issues with Private Hire Drivers parking on hackney carriages ranks, leaving no room for the Hackney Carriage Drivers. This had occurred on this occasion, meaning there was nowhere on the rank for the licence holder to park.

In relation to the incident on 25 March 2016, following Councillor Bayley's submission that he had seen the Licence Holder's vehicle effectively plying for hire, the Licence Holder again denied this stating his vehicle was being repaired at the time and that there were least 7 other silver Hackney Carriage vehicles registered with Bury Council. He also produced a witness to corroborate his version of events.

In the report, 3 other incidents on 2 November 2010, 13 January 2011 and 11 May 2012 were described, following which the licence holder was spoken to by Licensing Enforcement Officers.

In relation to the incident on 11 May 2012, Mr G Bridge referred to a report considered by the Licensing and Safety Panel on 10 June 2013, in which it explained that the Licence Holder did not hold a Hackney Carriage Driver's licence from 29 June 2011 until 30 August 2012. The Licence Holder appeared before Bury Magistrates Court on 23 January 2013 charged with a single specimen charge of driving a licensed Hackney Carriage vehicle on 11 May 2012, when he was not the holder of a Hackney Carriage Driver's licence. The Licence Holder was found not guilty due to the Court being not satisfied that he was the driver on 11 May 2012. The Licensing and Safety panel had subsequently made the decision on 10 June 2013 to take no further action against the Licence Holder.

In relation to the other incidents he denied them or could not recall them.

Various questions were asked of the licence holder by the Licensing Unit Manager and then by the members of the Licensing and Safety Panel members in relation to the incidents.

Mr G Bridge also provided the members of the Licensing and Safety Panel with a number of written character references, supporting the licence holder.

In summary, Mr G Bridge stated that there were a number of factual disputes throughout the Licensing Manager's report, which had been brought to light. The Licence Holder had been driving since 1994 but had never had any complaint brought against him from a member of public until 2010. Mr G Bridge asked the Panel to consider the licence holder's age and his family circumstances, as he is married with 7 children and to decide, based on the information provided both verbally and written, if they felt that the licence holder was a fit and proper person to be a Hackney Carriage licence holder.

Delegated decision:

After carefully considering the written report, oral statements from the Licence Holder and his representative, Mr G Bridge, taking into consideration the oral witnesses, written statements and character references and taking into account the Council's Convictions Policy and Guidelines, pursuant to the Local Government (Miscellaneous Provisions) Act 1976, the Panel resolved, unanimously, **to admonish the Licensee as to future conduct and to take no further action.**

The Panel noted that the Licence Holder had been a Hackney Carriage Driver in Bury since 1994 and prior to 2010 there had been no complaints against him. The Panel noted there had been 5 complaints had been received in 2010, 2011, 2012, and in 2016, all of a similar nature, which gave the Panel some concerns regarding the Licence Holder's behaviour towards members of the public. However, the Panel felt prior to the complaints in 2016, the previous matters were some time ago, the Licence Holder had not been spoken to about one of them and the Licence Holder had not been convicted at Bury Magistrates Court in relation to the incident in May 2012. The Panel agreed that he was a fit and proper person to drive a Hackney Carriage vehicle in Bury.

The Chair stressed to the Licence Holder that appropriate behaviour towards members of the public was paramount and that if his conduct was not exemplary in future he would appear before the Licensing and Safety Panel again, this could result in his Licence being revoked.

Licence Holder 31/2016 was not in attendance the Licensing Unit Manager asked that the matter be adjourned until the following Licensing and Safety Panel meeting, which was agreed.

COUNCILLOR D JONES

Chair

(Note: The meeting started at 7.00 pm and ended at 9.20 pm)