

AGENDA FOR

LICENSING AND SAFETY PANEL

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To: All Members of Licensing and Safety Panel

Councillors : P Adams, N Bayley, I Bevan, J Grimshaw, R Hodgkinson, D Jones (Chair), G Keeley, J Kelly, O Kersh, A McKay, Sarah Southworth, J Walker and S Wright

Dear Member/Colleague

Licensing and Safety Panel

You are invited to attend a meeting of the Licensing and Safety Panel which will be held as follows:-

Date:	Wednesday, 21 December 2016
Place:	Meeting Rooms A & B - Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

Members of the Licensing and Safety Panel are asked to consider whether they have an interest in any of the matters on the agenda, and if so, to formally declare that interest.

3 MINUTES *(Pages 1 - 4)*

Minutes of the last meeting, held on 15 November 2016 are attached.

4 PUBLIC QUESTION TIME

Questions are invited from members of the public present at the meeting on any matters for which this Panel is responsible.

Approximately 30 minutes will be set aside for Public Question Time if required.

5 OPERATIONAL REPORT *(Pages 5 - 10)*

A report from the Assistant Director (Localities) is attached.

6 URGENT BUSINESS

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

7 EXCLUSION OF PRESS AND PUBLIC

To consider passing the appropriate resolution under section 100 (A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following item of business since it involves the likely disclosure of the exempt information stated.

8 SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES *(Pages 11 - 24)*

A report by the Assistant Director (Localities) is attached.

9 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES *(Pages 25 - 30)*

A report by the Assistant Director (Localities) is attached.

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, J Kelly, O Kersh, Sarah Southworth, J Walker and S Wright
Apologies for absence:	Councillors N Bayley (CI), I Bevan, A McKay,
Public Attendance:	There was one member of the public in attendance

Councillor Bayley attended the meeting as a witness and was only present in the room during the time of his witness statement and subsequent questioning.

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 THE 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 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

(E)

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

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 finished at 9.20 pm)



DECISION OF:	LICENSING & SAFETY PANEL
DATE:	21st DECEMBER 2016
SUBJECT:	OPERATIONAL REPORT
REPORT FROM:	ASSISTANT DIRECTOR (LOCALITIES)
CONTACT OFFICER:	M BRIDGE
TYPE OF DECISION:	N/A – Report for information only
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	A report to advise members on operational issues within the licensing service.
IMPLICATIONS:	
Wards Affected:	N/A
Scrutiny Interest:	Internal Scrutiny Panel

1.0 BACKGROUND

1.1 The report advises Members on operational issues within the licensing service.

2.0 PRE-APPLICATION ASSESSMENTS

2.1 Further to the last meeting of the Licensing and Safety Panel. The Licensing Service can confirm that the assessments are continuing to be undertaken by the adult learning team. From the 28th October 2016 until the 2nd December 2016 there has been 30 assessments carried out. Of the 30 assessments that were booked, 27 passed, 3 failed and 0 failed to attend.

2.2 Members will recall that at the Licensing and Safety Panel in October, the Licensing Unit Manager informed the members that a progress report in relation to the pre-requisite assessments in relation to applications to become a Hackney Carriage / Private Hire driver would be presented at the December Licensing and Safety Panel meeting. The Licensing Service has contacted the Adult Learning Service and the companies undertaking the driving assessment, a report has been supplied and is attached at Appendix 1.

3.0 IMMIGRATION ACT 2016

- 3.1 Licensing Service staff have recently attended training about the new provisions relating to the Immigration Act 2016 (the 2016 Act) amended existing licensing regimes in the UK to seek to prevent illegal working in the private hire vehicle (PHV) and taxi sector. With effect from 1 December 2016, the provisions in the 2016 Act prohibit all licensing authorities across the UK from issuing to anyone who is disqualified by reason of their immigration status and they discharge this duty by conducting immigration checks. The 2016 Act also embeds other immigration safeguards into the existing licensing regimes across the UK. The Licensing Service is currently amending their procedures to comply with the requirements of the Act.

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Bury Adult Learning Service

The test materials are designed to replicate as far as possible the types of tasks a taxi driver would have to perform.

With regard to speaking and listening, we are looking for the ability to understand customers easily, ask for clarification where necessary and communicate clearly and appropriately.

It has been interesting to assess those candidates who have previously been, or still are, taxi drivers in other regions and are then unsuccessful in this test.

FAILS

In some cases, failures have been quite straightforward in that the candidate had very limited language skills.

Other reasons for failure have included

- Inability to follow directions
- Reading issues which have impacted on the ability to read a map / A-Z.
- Numeracy problems affecting ability to perform basic calculations.

There have been no complaints or disagreement when candidates have been unsuccessful. We are careful to explain weaknesses clearly and on a couple of occasions candidates have gone away, worked on addressing their issues then returned and passed the test. Where necessary we have recommended that candidates access classes to improve their standard of maths and English.

CANDIDATE FEEDBACK

Feedback from candidates has been largely positive, with many stating that tests are a good idea and will

Examples of positive comments below:

A gentleman last week (10.10.16) said that those candidates who can't communicate clearly or well "give other drivers a bad name".

One candidate said that his wife had frequently been given the wrong change in taxis and felt too shy to correct the driver. He felt checking drivers' maths ability would help to prevent such incidents.

'It's a really good idea to make sure that drivers can communicate properly with their customers.'

'It's good to make sure drivers can understand properly.'

'This is good. I was worried it was going to be like a proper exam, but I can see this is what I need to be able to do as a taxi driver.'

QUERIES

There have been a few queries about why the test was necessary for someone who held a non-UK degree, didn't have a GCSE or O Level certificate. One candidate complained about having to do the test after having a 5/6 month 'rest' from driving.

Our assessors fully explain the process and reasons for the test and ensure that it is carried out in a rigorous yet supportive manner.

Internal verification has been carried out to ensure consistency of standards amongst assessors.

Overall the process has been very positive and certainly sends out a clear message that Bury Licensing is serious about driving up standards.

Driving assessments

The Licensing Service has contacted the two approved companies who undertake the driving assessments and they have reported the following:-

Defensive Driver Training

We have had 25 applicants with

16 passes

5 fails

3 booked for test to take place

1 late cancellation to be re-arranged.

That represents a pass rate of 76% of the people who have attended.

Driving Standards

Feedback from the examiners suggests that the standard of those drivers who pass is very good with only a few minor errors.

At the other extreme, drivers who have failed usually do so after demonstrating poor and often dangerous habits.

The most common faults are lack of anticipation of other road users, poor forward vision, excessive speed and very late braking. When asked to pull over to simulate dropping off a passenger in a safe place, there is no mirror use to check what is behind. The sudden braking and lack of signaling raises the potential of a rear end shunt from following traffic.

Other faults have included driving onto the footpath to simulate dropping off a passenger, and when asked to turn the vehicle around in a safe place as if to pick up a nearby passenger, driving two and a half miles until they found a traffic island.

Mitchells

At the moment we have done around 150 Driving Test Assessments for the Greater Manchester Authorities.

A number of these have been for Bury Council although we do not keep any figures for any specific council.

We are running on about 50% to 60% pass rate with the tests.

The majority of the fails being:-

- 1, Observation at junctions
- 2, Use of speed. Too slow or fast
- 3, Manoeuvre

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