

**Minutes of: LICENSING AND SAFETY PANEL**

**Date of Meeting:** 19 October 2017

**Present:** Councillor D Jones (in the Chair)  
Councillors P Adams, N Bayley, I Bevan, R Hodgkinson,  
G Keeley, O Kersh, A McKay, Sarah Southworth and  
S Wright

**Also in  
attendance:**

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

**Apologies for Absence:** Councillor J Grimshaw and Councillor J Walker

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**LSP.211 DECLARATIONS OF INTEREST**

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

**LSP.212 MINUTES**

**Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 5 September 2017, be approved as a correct record and signed by the Chair.

**LSP.213 PUBLIC QUESTION TIME**

There were no questions raised under this item.

**LSP.214 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 are continuing to be undertaken by the adult learning team. From 25 August 2017 until 29 September 2017 there have been 18 assessments carried out of which 13 passed, 5 failed and 0 failed to attend.
- A private hire driver that had appeared before the Licensing and Safety Panel previously in relation to maintaining his vehicle, for which members revoked his licence, has lodged an appeal to the Magistrates' Court against the Council's decision. A case management hearing was listed on 5 October 2017 and the final hearing will be 29 November 2017.
- On 11 July 2017 the Licensing Service refused to renew a hackney carriage vehicle licence in line with the Council's Policy in relation to the five fault rule. The proprietor appealed this decision and the case was heard at

Manchester Magistrates' Court on 9 October 2017. The Court was satisfied with some elements of the appeal argument and the appeal was allowed, however, no costs were awarded against the Council.

- Statistics of work carried out by the Licensing Service during the first six months of the financial year 2017/2018 were provided to the Licensing and Safety Panel.

**It was agreed:**

That the report be noted.

**LSP.215 URGENT BUSINESS**

There was no urgent business reported.

**LSP.216 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.217 SUSPENSION/REVOCATION OF A HACKNEY CARRIAGE DRIVER'S LICENCE**

Licence holder 22/2017 attended the meeting and was represented by Mr James Parry Solicitor, and accompanied by Mr Oakes of the Hackney Drivers' Association Ltd and a Mr Basat Khan to help with the interpretation.

The Chair outlined the procedure to be followed and the Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) which was accepted by the licence holder and his representative, Mr Parry.

The report explained that the licence holder was before the Licensing and Safety Panel following a complaint on 18 September 2017 about this client's conduct. The female complainant had booked a taxi through a Private Hire Operator, who dispatched this licence holder's vehicle, which is a Hackney Carriage undertaking private hire work, on 15 September 2017 to take her from her home to her place of work, which is a journey she takes 3 times a week.

The complainant sat in one of the two front passenger seats. After a couple of minutes into the journey, the complainant noticed that the driver had only one hand on the steering wheel of the car and the other hand was rubbing and grabbing his crotch area over his track suit bottoms. This continued on a number of occasions throughout the 15 minute journey until they reached the destination when she paid the fare and exited the vehicle.

The complainant felt that the behaviour of the driver was inappropriate and telephoned the operator to make a complaint. The complainant felt so

uncomfortable with the inappropriate behaviour of the driver that she telephoned the Police and then reported the conduct to the Licensing Service at Bury Council.

The complainant had been willing to attend the Licensing and Safety Panel but it was deemed that a written statement would suffice and this was included with the report for members of the Panel.

Mr Parry then addressed the Panel on behalf of the licence holder and explained that any allegation against a driver must be treated very seriously. Private hire and hackney drivers do expose themselves to the risk of allegations against them as they work alone. However, the Police had no intelligence regarding this licence holder in respect of any other complaint or safeguarding issues and that this is an isolated incident for which the Police have taken no further action.

He stated that the licence holder had not asked the complainant to sit in the front seat and no conversation had taken place between the two. Mr Parry stated that in order to protect himself against any future allegations the licence holder could install a dual direction dash cam.

Various questions were asked of the licence holder from the members of the Licensing and Safety Panel. In particular, he was asked if he was fully aware of how uncomfortable the complainant felt and whether the licence holder considered his behaviour to be inappropriate.

The licence holder stated it was wrong and he was sorry but that he hadn't felt his behaviour was inappropriate at the time as he had only pulled at his trousers on 2 occasions throughout the journey as he had felt uncomfortable. When he had picked up the customer she had got into the front seat and she had appeared very happy at the end of the journey and paid the fare with no problem.

Mr Parry summarised that the licence holder should install a camera in the cab and insist that customers sit in the back seat and he felt that a warning from members of the Licensing and Safety Panel to the future conduct of the driver would be the appropriate course of action.

### **Delegated decision:**

The Panel carefully considered the report and the oral representations by Licence Holder 22/2017 and his representative, Mr Parry and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved unanimously, to **revoke the driver's licence.**

The Panel noted the following;

1. That the allegations were of a very serious nature,
2. That the behaviour of the licence holder was completely inappropriate,
3. That the complainants version of events was on balance accepted taking into account her actions after the incident in reporting the matter and her willingness to attend the Panel meeting,
4. That the driver showed no remorse or understanding of the complainants distress,

5. That the driver had only one hand on the steering wheel at times throughout the journey,
6. That the licence holder showed no remorse or acceptance that his behaviour was inappropriate even on his version of events,
7. That there were no mitigating factors or character references provided,
8. That the driver was not a fit and proper person to hold a Hackney Carriage Drivers licence issued by Bury Council.

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

#### **LSP.218 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) regarding an application for a Public/Private Hire Vehicle Driver's Licence.

Applicant 23/2017 attended the meeting and was accompanied by a friend. The Chair outlined the procedure to be followed and the Licensing Unit Manager read the report which was accepted by the Applicant.

The report explained that as part of an application process for a private hire drivers licence, the Applicant had declared two convictions which were; committing an act with intent to pervert the course of justice for which the applicant had been sentenced to a community order of 12 months unpaid work, with a requirement to undertake 60 hours and £250 costs; and conspiring/concealing/disguising/converting/transferring or removal of criminal property, for which the Applicant had been sentenced to 3 years imprisonment and confiscation of £20,000.

The Applicant addressed the Panel and explained that he wanted to move his family to Bury.

In relation to the first conviction, which was in May 2010, he explained that this related to a speeding ticket that the Applicant had received through the post. The Applicant gave this ticket to a friend of a friend who ran a claims firm and paid them the money for the fine, believing they would handle this on his behalf. However, this company did not pay the fine and the Applicant was one of 150 – 200 people involved in a large Court case. The Applicant was advised by his Solicitor to plead guilty. As he was at that time a licensed private hire driver in another area, his licence was revoked, although he reapplied one year later which was granted.

In relation to the second conviction in November 2013, , the Applicant explained that this was brought about through association with his brother in law who was collecting money from people around the country and which was being laundered through a money transfer shop.

His brother in law's car was pulled over on the M1 by the Police who found the Applicant's phone number on his mobile phone. The Applicant stated that he thought his brother in law worked for a car company and had no knowledge of

any money laundering. The Applicant stated his first trial resulted in the jury failing to reach a unanimous decision. At the retrial, however, the second jury found him guilty

The Applicant explained to the Licensing and Safety Panel that he wanted to make a fresh start with his family in Bury. His son is at University and his daughter is in High school. He is currently working as an interpreter for the NHS, however, this is not providing enough financially for him and his family.

**Delegated decision:**

The Panel carefully considered the report and the oral representations by the Applicant and after taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and resolved, on a majority basis, that **the application for a Private Hire Driver's Licence by Applicant 23/2017 be refused.**

The Panel noted the following:

- These were serious offences of dishonesty
- The Applicant had received sentences in keeping with the seriousness of the offences including imprisonment
- That the Applicant licence with another authority has since been revoked
- The Panel was not satisfied the Licence Holder was fit and proper to hold a licence.

The Applicant was informed 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 8.20 pm)**