

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	13 February 2018
Present:	Councillor D Jones (in the Chair) Councillors N Bayley, J Grimshaw, A McKay, J Walker and S Wright
Also in attendance:	
Public Attendance:	No members of the public were present at the meeting.
Apologies for Absence:	Councillors: P Adams and Sarah Southworth

LSP.369 DECLARATIONS OF INTEREST

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

LSP.370 MINUTES OF THE LAST MEETING

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 11 January 2018, be approved as a correct record and signed by the Chair.

LSP.371 PUBLIC QUESTION TIME

There were no members of public present at the meeting.

LSP.372 OPERATIONAL REPORT

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 8 December 2017 until 19 January 2018 there have been 16 assessments carried out, of which 13 passed, 3 failed and none failed to attend.
- In relation to the Taxi Liaison meeting which was held on 18 January 2018 with representatives from the Hackney and Private Hire trade, a representative from the Council's Community Cohesion section attended to propose PREVENT training for all drivers which is part of the UK terrorism strategy to stop individuals becoming involved in extremist activity. A copy of the minutes from the meeting would be circulated to members of the Licensing and Safety Panel.

As a result of questions by members of the Panel, the Licensing Unit Manager reported that:-

- A Licensing Hearings Panel had been convened in relation to an application for a premises licence in respect of Polka, 20 Parkhills Road, Bury. The previous licence holder had surrendered their licence. A transfer application had been made, but was refused by the Licensing Hearings Panel on a previous occasion. An application for a new premises licence had therefore been made. Representations were received from Greater Manchester Police and the meeting was held on 7 February 2018, however, the Panel were not satisfied that documentation in respect of the application was acceptable and the application did not meet the Licensing Objectives and therefore the Licensing Hearings Panel refused the application.
- The Chair of the Licensing and Safety Panel and the Licensing Unit Manager had attended a meeting in Dukinfield along with representatives from all the Greater Manchester Authorities' Licensing Services. The reason for this meeting and subsequent planned future meetings is the aim for consistency throughout all authorities in respect of all private and hackney carriage vehicles and licence holders, meeting the common minimum standard required. This would include knowledge and pre-assessment tests etc. for drivers and the age, emissions, air quality etc. in relation to the vehicles.

It was intended that when a proposal had been finalised and agreed, there would be a three month consultation period after the election in May 2018 and then Transport for Greater Manchester would conduct a public consultation and finally one report would be sent to all AGMA Licensing and Safety Panels for agreement to adopt.

It was agreed:

That the report be noted.

LSP.373 EQUALITY ACT 2010 - MEDICAL EXEMPTION POLICY

The Assistant Director (Localities) submitted a report in relation to introducing a medical exemption policy under the Equality Act 2010. The Equality Act 2010 means that service providers must make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Bury Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and private hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or assistance dogs can have confidence that drivers will carry them and their wheelchair or assistance dog and at no extra charge. A driver who fails to comply with all requirements of the Equality Act 2010 may be guilty of an offence and is at risk of prosecution, subject to any prescribed exemptions.

Currently Bury Council does not have a policy which permits licensed hackney carriage/private hire drivers to apply for a medical exemption under the Equality Act 2010, therefore the Licensing Service have drafted a policy to ensure that drivers who have allergies/medical

conditions which do not allow them to comply with the requirements of the Act can apply for an exemption.

It was agreed:

- That the policy be approved and
- To delegate the issuing of exemption certificates to the Head of Service for Trading Standards and Licensing, or the Licensing Unit Manager/Deputy Licensing Officer in consultation with the Chairperson of the Licensing and Safety Panel.

LSP.374 URGENT BUSINESS

The Licensing Unit Manager brought to the attention of the Licensing and Safety Panel the following issues:

- The Licensing Service has been requested by the Interim Executive Director of Resources and Regulation to introduce safeguarding measures for licensed businesses including training for licensed hackney and private hire drivers and safeguarding policies for licensed operators.

The Licensing Service has made some initial enquiries into providers and will prepare a report for consideration at the next Licensing and Safety Panel meeting on 20 March 2018.

- The Licensing Service have been made aware that there is currently a backlog at the Magistrates' Court dealing with Licensing Appeals. An appeal by a Bury driver lodged on 4 December 2017 has only just been heard, albeit a further appeal has now been lodged with the Crown Court.

This backlog could have an impact in relation to public safety as a Licence Holder/Applicant who lodges an appeal against a decision by the Licensing and Safety Panel for suspension/revocation/refusal to grant is entitled to continue to drive until the appeal is heard.

- Following an agreement by the Interim Director of Resources and Regulation and Councillor O'Brien, Cabinet Member of Finance and Housing, an advert has been placed in the Bury Times and will be published on 15 February 2018, proposing a 3% fee increase for private hire operators and both private hire and hackney vehicles from 1 April 2018.

This will trigger a 28 day consultation period and if representations are received objecting to the increase then a report will be put before the Licensing and Safety Panel in March for consideration.

LSP.375 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.376 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 private hire vehicle driver's licence.

The Applicant was invited to attend the meeting and to address the Panel on their application and any matters referred to in the Officer's report. The Chair outlined the procedure to be followed.

Applicant 31/2017 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report which was accepted by the Applicant which explained the Applicant had been convicted at Greater Manchester Magistrates' Court on 10 September 2014 for offences of using a vehicle uninsured, for which the Applicant received 8 penalty points and was fined £165 and also for driving without due care and attention for which the Applicant received 0 penalty points and was fined £55.

The Applicant explained to the Panel the circumstances which had led to the conviction, which was that he had been working as a shop assistant and delivery driver for an e-cigarette company and had been using a company vehicle which he thought he was insured to drive whilst working. Whilst driving along Bury New Road, a pedestrian stepped out in front of him and was struck by the vehicle. The Applicant stated that there were no injuries to the pedestrian and no damage to the vehicle. At that time a Police car was passing and the Applicant gave a roadside statement. Although the Applicant pleaded guilty, on the advice of his Solicitor, he believes the pedestrian stepped out deliberately in front of his vehicle in order to claim compensation.

Following questions from the Members of the Licensing and Safety Panel, the Applicant further explained that he had in fact been stationary at the time of the impact and he believed this person was deliberately seeking compensation. He also stated that he had provided all the necessary information and documentation for his employer to insure him for the vehicle and that he had subsequently dismissed him from his job and they had not been held accountable for the vehicle he had been driving having no insurance. The Applicant stated that he had a family to support with three children and it was important for him to be the holder of a private hire licence in order to do so financially.

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 resolved, unanimously, that **the application for a private hire driver's licence by Applicant 31/2017 be granted.**

The Panel noted that although the convictions were serious, the court had sentenced him to small fines. The Applicant demonstrated he had understood the seriousness of the matter and had explained the circumstances surrounding the offences. He had shown remorse and apologised for the offences and the Panel felt he had been open and honest about the circumstances. The Panel agreed that the Applicant was a fit and proper person to hold a private hire driver's licence in Bury.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 7.00 pm and finished at 7.40 pm)