

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	14 June 2018
Present:	Councillor D Jones (in the Chair) Councillors P Cropper, J Grimshaw, T Holt, 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:	Councillors: N Bayley, R Hodgkinson, M James and Councillor G Keeley

LSP.32 DECLARATIONS OF INTEREST

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

LSP.33 MINUTES

Prior to consideration of the Minutes of the last meeting held on 26 April 2018, the Chair highlighted that it had been brought to his attention that Minute 437 of the meeting held on 20 March 2018 contained an incorrect statement. The Minute had been circulated and although previously approved the Panel were content to note for the record that the meeting referred to in the minute should state that it was attended by "upwards of 70 taxi drivers"

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 26 April 2018, be approved as a correct record and signed by the Chair.

LSP.34 PUBLIC QUESTION TIME

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

LSP.35 OPERATIONAL REPORT

The Assistant Director Legal and Democratic Services submitted a report advising Members on operational issues within the Licensing Service.

The report set out updates in respect of the following issues:

- **Gambling Act 2005** – A review of the current Statement of Principles is underway in line with the requirement to review every 3 years. Reports will be submitted to this Panel in due course

- **Common Minimum Standards – Hackney Carriage and Private Hire Trade** – Consultation will be taking place on the issue across Greater Manchester
- **Appeal to Magistrates Court** – The Licensing Unit Manager reported on a recent appeal which was dismissed, resulting in the Council being awarded £2360 costs.

It was agreed:

That the report be noted.

LSP.36 INTRODUCTION OF SAFEGUARDING TRAINING FOR APPLICANTS/LICENCE HOLDERS OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' BADGES

The Licensing Unit Manager submitted report setting out a proposal to delay the introduction of safeguarding training for applicants/licence holders of Hackney Carriage/Private Hire Drivers badges.

It had been agreed at the meeting of this Panel held on 20 March 2018 that the requirement for training be introduced from 1 July 2018. The Licensing Unit Manager explained that it had since been identified via the Greater Manchester Wider Leadership Team that the training needed to cover a wider range of safeguarding issues including adult and child sexual exploitation, domestic violence, disability awareness and conflict management. It was reported that training providers to deliver all these elements was currently being sought.

It was agreed:

That the implementation of safeguarding training, as agreed on 20 March 2018, be delayed until further notice.

(**Note:** this item which did not appear on the published agenda was allowed to be considered as a matter of urgency due to further information being recently received on the issue by the Licensing Service).

LSP.37 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.38 REQUEST TO REMOVE APPLICATION REQUIREMENTS FOR CHAUFFEURS UNDERTAKING PRIVATE HIRE

A report from the Assistant Director Legal and Democratic Services was submitted following receipt of a request from the owner of a Chauffeuring business to

consider exempting the following pre-requisites for drivers wishing to be employed by a chauffeur firm:

- Chauffeurs to be exempt from taking the topographical test.
- Chauffeurs to be exempt from taking the driving assessment.
- Chauffeurs to be exempt from taking the English and Maths assessment.

The business owner explained to the Panel that the prerequisites were making it difficult for him to recruit drivers and gave an overview of the nature of the job and outlined his reasons why he believed the prerequisites were not relevant to chauffeuring.

Members of the Panel discussed the current relevant legislation and the rationale behind the current prerequisites. Discussion also took place in relation to the difference between the role of Chauffeuring and taxi driving and the impact of any decision to allow exemptions.

Delegated Decision:

1. That the request for exemptions be refused.
2. That a review of the current policy be undertaken.

LSP.39 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE DRIVER'S LICENCE

1. Licence holder 01/2018 attended the meeting and was accompanied by his wife.

The Chair outlined the procedure to be followed and the Licensing Unit Manager presented a report submitted by the Assistant Director Legal and Democratic Services, which was accepted by the Licence Holder. This explained that the Licence Holder had been given a warning under the Police Reform Act 2002 for driving in excess of 70 mph in a 30 zone, whilst driving with a passenger through Bury Town Centre in the early hours of the morning in April 2018.

The Licence Holder's addressed the Panel and explained that he had been in desperate need of the toilet and had not realised the speed he was doing. Although he was unaware that he had been speeding he did accept the Police's warning and was apologetic for his actions. He also indicated that he has a hereditary condition that means he needs to urinate regularly.

Delegated Decision:

The Panel carefully considered the report and the oral representations provided by the Licence Holder 01/2018 and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, **resolved not to revoke or suspend the drivers licence.**

The Panel noted that a section 59 Police Reform Act warning did not constitute a formal caution. The Panel acknowledged the driver's reason was the result of an inherited condition within his family and noted that he had no previous history of

speeding. They also noted his apology and remorse and that the incident had taken place at a quiet time of the day.

The Chair reiterated to the Licence Holder his legal obligation to ensure the safety of passengers and instructed, on behalf of the Panel, that he **undertake a practical driving assessment for taxi drivers provided by one of the Council's approved driver training companies within the next 6 months.**

2. The Chair reported that following a request from the representative of driver 02/2018 the matter had been deferred to the next meeting of this Panel.

3. Licence holder 03/2018 attended the meeting and was accompanied by a friend.

The Chair outlined the procedure to be followed and the Licensing Unit Manager presented a report submitted by the Assistant Director Legal and Democratic Services, which was accepted by the Licence Holder. This explained that the Licence Holder had voluntarily advised the Licensing Service that he had received a disqualification from driving for speeding as a result of having accrued 12 penalty points. Further he had advised that he had appealed this decision and was awaiting the hearing but had had his licence returned in the meantime. Further enquiries were made but the Licensing Service which revealed that the Licence Holder also had a conviction in 2014 and two in 2015 for speeding. These latter convictions had not been disclosed by the Licence Holder.

The Licence Holder addressed the Panel and apologised for his actions. He explained that despite the speeding offences, he was a safe driver who never knowingly exceeded the speed limit. His friend who was in attendance confirmed this view that he was a safe driver. A number of personal references from customers was submitted to the Panel in support of the Licence Holder.

The report submitted to the Panel highlighted the number of undisclosed speeding convictions. In response to questions from the Panel, the Licence Holder was apologetic for the oversight but unable to give a reason why the offences had not been declared. His friend explained that the Licence Holder would not have deliberately tried to conceal the offences and stated that he was not great with paperwork.

Delegated decision:

The Panel carefully considered the report, oral representations and references submitted by the Licence Holder 03/2018 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 suspend the driver's licence and operator's licence for a period of 2 months and instructed him to undertake the practical driving assessment for taxi drivers provided by one of the Council's approved driver training.**

The Panel found as follows;

- That public safety is paramount and that the Licence Holder had shown little contrition in respect of the seriousness of speeding.
- The Licence Holder had been a licenced private hire driver and licensed operator for 10 years and should be aware of the requirement to disclose any offences to the Licensing Department.
- The offences were of a serious nature and been committed within a short period of time.
- The Licence Holder had regularly ignored the requirement clearly set out in the documentation, to disclose convictions to the Council, as required by the renewal of both licences he held.

The Licence Holder was notified of the right to appeal to the Magistrates' Court within 21 days.

LSP.40 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Licensing Unit Manager presented a report submitted by the Assistant Director Legal and Democratic Services regarding an application for Private Hire Vehicle Drivers' Licences.

1. Applicant 04/2018 attended the meeting and was accompanied by his wife. 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 the Applicant had been cautioned for carrying pepper spray in his vehicle.

The Applicant addressed the Panel and explained that the incident was a result of him not knowing that this was illegal as in his original country of residence, the Czech Republic, this would not constitute an offence.

The Applicant's explained that he had bought the spray for his wife in order for her to feel safe whilst out jogging on her own.

Delegated Decision:

The Panel carefully considered the report and the oral representations by the Applicant and his wife 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 04/2018 be granted.**

The Panel noted that the offence, although of a serious nature, was the result of a genuine mistake for which the Applicant was very apologetic and remorseful.

COUNCILLOR
Chair

(Note: The meeting started at 7.00 pm and ended at 9.45 pm)