

Minutes of: **LICENSING AND SAFETY PANEL**

Date of Meeting: 6 December 2018

Present: Councillor D Jones (in the Chair)
Councillors N Bayley, P Cropper, J Grimshaw,
R Hodgkinson, T Holt, G Keeley, K Leach, G McGill,
Sarah Southworth and S Wright

Also in attendance:

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

Apologies for Absence: Councillor O Kersh and R Skillen

LSP.272 DECLARATIONS OF INTEREST

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

LSP.273 MINUTES

That the Minutes of the Licensing and Safety Panel meeting held on 17 October 2018, be approved as a correct record and signed by the Chair.

LSP.274 PUBLIC QUESTION TIME

There were no questions raised under this item.

LSP.275 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:

- **Common Minimum Standards – Hackney Carriage and Private Hire Trade**

The Licensing Managers' Group, in respect of Common Minimum Standards, met on 12 and 22 November and again on the afternoon of 6 December 2018, in relation to the development of conditions for drivers, vehicles and operators and to review the conviction guidelines across Greater Manchester. Future meetings are scheduled and a revised timetable will be available in the New Year.

- **Taxi Operations**

On 18 October 2018, Licensing Officers and Greater Manchester Police (GMP) took part in an operation inspecting licensed vehicles. Nine private hire vehicles were inspected and issues identified were vehicle signage, use of magnets on signage, worn tyres, drivers not wearing

badges and inappropriate conduct. One hackney carriage vehicle had an issue with signage. Some of the issues were dealt with on the night or resulted in written warnings and further operations will be undertaken in due course.

- **Scrap Metal dealers**

On 15 October 2018, the Deputy Licensing Officer along with Greater Manchester Police inspected scrap metal yards in Pimhole, to ensure that records were accessible and no cash payments were being made. Three of the yards had all records available to view. The owner of the fourth yard was not available at the time of the visit but has since produced his records for inspection and no other issues were identified.

- **Multi Agency Partnership Visits**

On 16 October 2018, the Deputy Licensing Officer took part in a multi-agency day of action along with other partner agencies from the Immigration Service, GMP, Greater Manchester Fire and Rescue Service, Officers from Housing Standards and North West Electricity Housing Standards. Six premises were visited of which two were licensed premises.

The first licensed premises visited had a number of issues breaching the licensing conditions. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) were not present at the time of the visit and the PLH has been invited for PACE interview.

The second licensed premises visited had an employee working with no permission to work in the UK. The electricity supply was unsafe and therefore this was disconnected and the premises was closed. The PLH and DPS were not present at the time of the visit and subsequently Officers are considering the evidence which may result in further enforcement action being taken.

- **Safeguarding Training**

Reports were presented to the Licensing and Safety Panel previously about the revised implementation of safeguarding training for new applicants and existing licence holders. The Council's procurement section has advised it will be necessary for a tender process to have been conducted and a draft tender document has been provided to procurement. Subject to satisfactory bids the aim is to implement training before the end of the financial year.

- **Medicals – Group 2 standard**

The Licensing Service have been contacted by two local medical practitioners regarding concerns following the requirement for the Doctor to confirm whether or not an applicant/licence holder complies with the Council's Policy of Group 2 classification under the DVLA guidance fitness to drive. Following discussions with the Assistant

Director, Legal and Democratic Service, it was decided that should medical practitioners not confirm their patient's fitness to drive, then the applicant/licence holder should utilise the alternative medical company as agreed by members in September 2017.

- **Adjourned consideration of a driver's licence**

At the last meeting on 17 October, 2018, a request was made for an adjournment by licence holder 18/2018, which was agreed by the Licensing and Safety Panel. However, the private hire driver's licence has since expired and no application to renew this has been received by the Council.

It was agreed:

That the report be noted.

LSP.276 URGENT BUSINESS

There was no urgent business raised under this item.

LSP.277 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.278 SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

It was reported by the Licensing Unit Manager that licence holder 19/2018 had been involved in a road traffic accident the previous weekend and had been issued with a medical certificate from his GP and it was requested and agreed by the Chair of the Licensing and Safety Panel, that this hearing be adjourned until the following meeting.

It was reported by the Licensing Unit Manager that Licence Holder 20/2018 had suffered a very recent personal bereavement and it was unanimously agreed by the Licensing and Safety Panel to defer this hearing until the following meeting.

LSP.279 APPLICATION FOR A PUBLIC/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 a Private Hire Driver's Licence.

Applicant 21/2018 attended the meeting and was unaccompanied. 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 convicted of using a vehicle uninsured against third party risks on 12 February 2016 and fined £300 with 6 penalty points on their driving licence.

The Applicant addressed the Panel and explained that he did have insurance on his private vehicle which he thought expired on 19 February 2016, however, it actually expired on 19 January 2016, and therefore he was not covered at the time when he was stopped by the Police.

Following various questions from the Licensing and Safety Panel members, the Applicant admitted that it was a mistake on his part but he genuinely thought his insurance was valid.

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, the panel agreed on a majority basis, that **the application for a Private Hire Driver's Licence by Applicant 21/2018 be granted.**

The Panel noted that the offence, although of a serious nature, was the result of a genuine error. The Chair re-iterated to the Applicant the seriousness of driving with no insurance and the Applicant accepted it was his mistake for which he was remorseful and it would not be repeated.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 7.00 pm and ended at 7.35 pm)