

AGENDA FOR

LICENSING AND SAFETY PANEL

Contact:: Nicole Tilly
Direct Line: 0161 253 5398
E-mail: n.l.tilly@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Licensing and Safety Panel

Councillors : N Bayley, P Cropper, J Grimshaw,
R Hodgkinson, T Holt, D Jones (Chair), G Keeley, O Kersh,
K Leach, McGill, R Skillen, Sarah Southworth 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:	Thursday, 10 January 2019
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)*

The minutes of the last meeting held on 6 December 2018 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 - 6)*

A report by the Assistant Director (Legal and Democratic Services) is attached.

6 CHANGES TO OFFICER DELEGATION IN RESPECT OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING *(Pages 7 - 14)*

A report by the Assistant Director (Legal and Democratic Services) is attached.

7 CHANGES TO CONSTITUTIONAL MAKE UP AND FREQUENCY OF LICENSING AND SAFETY PANEL MEETINGS/DAYTIME MEETINGS *(Pages 15 - 20)*

A report by the Assistant Director (Legal and Democratic Services) is attached.

8 URGENT BUSINESS

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

9 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.

10 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES *(Pages 21 - 38)*

A report by the Assistant Director (Legal and Democratic Services) is attached.

11 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES *(Pages 39 - 44)*

This page is intentionally left blank

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
Apologies for absence:	Councillor O Kersh and R Skillen
Public Attendance:	-

The Chair, Councillor Jones, welcomed Councillor Leach to the Licensing and Safety Panel.

LSP.XXX DECLARATIONS OF INTEREST

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

LSP.XXX MINUTES

Delegated decision:

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.XXX PUBLIC QUESTION TIME

There were no questions raised under this item.

LSP.XXX 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.XXX URGENT BUSINESS

There was no urgent business raised under this item.

LSP.XXX 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.XXX SUSPENSION/REVOCAION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER' LICENCE

(E) 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.

Licensing and Safety Panel, 6 December 2018

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.XXX 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.

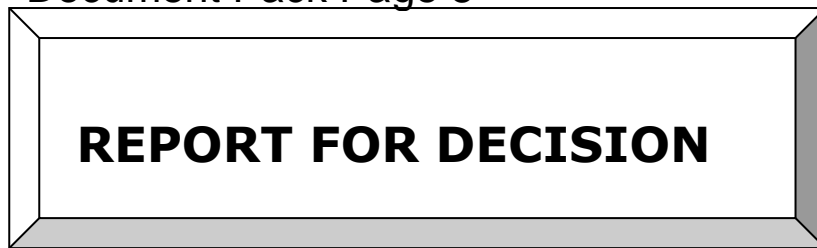
Delegated Decision:

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**

Please note: The meeting started at 7pm and finished at 7.35pm



DECISION OF:	LICENSING & SAFETY PANEL
DATE:	10TH JANUARY 2019
SUBJECT:	OPERATIONAL REPORT
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
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 APPEAL TO MAGISTRATES COURT

2.1 The Licensing Service have been notified that following a decision of this panel to refuse to grant an Hackney Carriage Drivers Licence, an appeal has been lodged with the Magistrates Court. The appeal will be heard on the 1st March 2019

2.2 The Licensing Service have been notified that following a decision to refuse to renew the Hackney Carriage Vehicle Licence due to it failing the Five Fault Rule as it is a vehicle over the 10 years of age from the date of registration. The appeal will be heard on the 11th March 2019

2.3 On the 17th December 2018, an appeal against the Council's decision to revoke a Hackney Carriage Drivers Licence due to him failing to maintain vehicles. The Magistrates decided to dismiss the appeal. An application for costs was made in

Document Pack Page 6

the sum of £2,305. Mindful that the driver had lost his livelihood as a result of the appeal, the court reduced the award to £1,735.

3.0 Multi Agency Visits with Greater Manchester Police

3.1 The Licensing Service took part in visits to licensed premises with Greater Manchester Police on the 7th December 2018. A total number of visits carried out was 12 and the findings were as follows:-

- Three premises were found to have no designated Premises Supervisor in place, advice was given at the time of inspection to cease the retail sale of Alcohol.
- A section 19 notice under the Criminal Justice and Police Act 2001 was served on a Licensed Premises in Bury due to the Premises Licence Holder being made insolvent. Premises were closed.
- At one of the licensed premises, a gambling machine was situated in the premises and no permit had been applied for. Advice was given by officers at the time of the inspection and the machine was turned off.

4.0 Multi Agency Visits with Trading Standards

4.1 Over the last month, officers from the Trading Standards and Licensing Service visited 26 Off-licences to undertake compliance checks in relation to alcohol, tobacco and food. Minor issues found, advice was given to licence holders at time of visit.

5.0 Visits to Second Hand Dealers

5.1 Officers from the Trading Standards and Licensing Service visited 14 second hand dealers to ensure compliance with the Greater Manchester Act 1981. Officers are currently dealing with their findings.

Contact Details:

M Bridge

Licensing Unit Manager

3 Knowsley Place

Duke Street

Bury

BL9 0EJ

Tel: 0161 253 5209

Email: m.bridge@bury.gov.uk

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	10th JANUARY 2019
SUBJECT:	Changes to officer delegation in respect to Hackney Carriage and Private Hire Licensing
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain.
SUMMARY:	This report seeks Members views on proposals to make amendments to the order of business at Panel and alterations to the scheme of delegation between Panel and Officers.
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. To accept the proposals, in part or whole and seek Council approval with regard to altering the scheme of delegation 2. To amend the proposals in part or whole 3. To reject the proposals in part or whole
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	If the changes are accepted any applicant aggrieved by a decision of the Panel or Officers may appeal to the courts. This may incur legal costs for both parties.
Equality/Diversity implications:	No

	(see paragraph below)
Considered by Monitoring Officer:	Under the legislation the Council is required to determine applications within the terms of the Constitution and it is prudent to review the delegations to the Panel from time to time when there are changes in the law or for general efficiency.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

1.1 Members are aware that the consideration of licensed Hackney Carriage and Private Hire drivers and new applicant’s misdemeanours form a large percentage of the business brought before the Panel. The Local Government (Miscellaneous Provisions) Act 1976, section 51 (1) provides that in respect of private hire drivers:-

A district council shall not grant a licence to drive a private hire vehicle:

- a) unless they are satisfied that the applicant is fit and proper to hold a driver licence.

similarly Section 59 (1) provides that in respect of Hackney Carriage drivers:

A district council shall not grant a licence to drive a hackney carriage:

- a) unless they are satisfied that the applicant is fit and proper to hold a driver licence.

1.2 Members will recall that following a series of Panel meetings this financial year proceeding past 10.00pm, officers were asked to consider options for refining procedures and reducing the amount of business placed before the Panel.

1.3 The report is in response to that request. Some of the options are linked to the Council Statement of Policy and Guidelines relating to the relevance of convictions [convictions guidelines] approved by Members in December 2014.

- 1.4 Changes to the agenda format for Licensing and Safety Panel meetings have included:-
- i) The Operational Report being dealt with on a questions only basis;
 - ii) Drivers and applicants being invited collectively at for the start of the meeting rather than appointments spread throughout the evening;
 - iii) Suspensions /revocations being dealt with before new applications; and
 - iv) The option to deal with business reports after reports concerning drivers and new applicants.
- 1.5 It has long been established that in the interests of practicality, uncontroversial decisions can lawfully be delegated by elected Members to officers. The Council constitution already sets out existing delegations made by the elected Members to officers to enable the business of licensing to be carried on effectively, fairly and within the budget allocation.
- 1.6 Drivers whose livelihoods are at risk but who have committed serious offences are usually given the opportunity to make representations. The exception to this is in circumstances where an offence has been committed that is so serious that the licence is suspended or revoked by officers in the interest of public safety following consultation with the Chairman of the Licensing And Safety Panel
- 1.7 Applicants who it is alleged have committed criminal offences who feel that they have the necessary attributes to be a fit and proper person can appear before Panel to try to satisfy the Panel of this. The panel is already aware that it is important when making these decisions to balance the rights of an individual against the rights of the public of Bury to remain safe, whilst travelling in licensed vehicles.
- 1.8 These delegations do not remove the powers of the elected members to make the more complex decisions that the officers are not able to make. It is proposed in this report that the delegations be extended to allow officers to enable them to make further uncontroversial decisions in additional circumstances detailed below

2.0 INTRODUCTION

- 2.1 There reason for the report is to request alterations to the scheme of delegation between the Licensing and Safety Panel.

3.0 PROPOSALS

3.1 Alterations to the scheme of delegation between Panel and officers

- 3.2 At present, the Council Constitution requires that the Licensing and Safety Panel determines driver, vehicle and operator licence applications where applicants do not comply with the relevant criteria or where there are grounds for refusal of an application. Grounds for refusal are often related to a driver's criminal record/intelligence.
- 3.3 Officers in the Council's licensing service have delegated authority to grant applications for driver, vehicle and operator licences where the applicant meets all the criteria of the application process; subject to there being no grounds for refusal and the applicant is deemed to be considered fit and proper. In using such authority, officers consider the statement of policy and guidelines relating to relevant convictions and determine whether or not an applicant meets the

criteria with respect to criminal convictions.

- 3.4 It follows that if there are grounds for refusal of an application it will be considered at Panel no matter how unlikely it is to be granted or how often a repeat application is made.
- 3.5 Accepting that each case must be assessed on its own merits this report seeks to allow for the identification of applications that could be dealt with otherwise than at Panel, leaving Members to determine those matters which are complex and require a more finely balanced approach.
- 3.6 This proposed delegation would only be used in respect of new applicants. Any consideration in relation to the proposed suspension/ revocation of licensed drivers would continue to be referred to Panel.
- 3.7 Any matter to be determined immediately on the grounds of it being in the interest of public safety would continue to be determined through existing delegations.
- 3.8 If Members are minded to agree further Officer delegations, it is suggested that in circumstances where an applicant meets all the relevant criteria, except those relating to convictions, the Licensing Unit Manger or in his absence, Deputy Licensing Officer will determine whether or not the application will be granted, refused or referred to the Licensing & Safety Panel subject to the restrictions below.
- 3.9 Members may wish to recommend delegation to Officers in the following situation:-
 - i) After consideration of the facts presented at application, if the applicant is not deemed to be fit and proper, Officers to be authorised to refuse an application:
 - where the applicant has a conviction for murder or manslaughter or culpable homicide while driving;
 - where the applicant is on the sex offenders register or has a conviction for a sexual offence;
 - where a further application has been made within 12 months of a previous refusal at Panel or via Officer delegation, unless there is a substantial and material change to the applicant's circumstances;
 - where due to the period of time which has lapsed since the date of conviction the Statement of Policy and Guidelines relating to the Relevance of Convictions clearly states that the application should generally be refused.
- 3.10 Additionally, if the Panel is minded to recommend to Council the Officer delegations detailed above, it may be appropriate to give further Officer delegations as follows:
 - to suspend indefinitely any existing driver unable to produce a satisfactory medical report within 4 weeks of it becoming due for renewal until such time that a satisfactory medical report is produced;
 - to refuse any similar licence application made within 12 months of a refusal unless there is evidence of a substantial and material

change in circumstances.

- 3.11 When using delegated authority, Officers must have regard to the Statement of Policy and guidelines relating to the relevance of convictions when determining an application. Where, because of the individual merits or particular circumstances of an application, the Officer or the Panel depart from the policy and convictions guidelines there should be good reasons for such departure and these should be recorded.
- 3.12 Where the Officer considers that the circumstances in a particular application are not adequately covered by the "Statement of policy and guidelines", or where the arguments in favour and against granting a licence are finely balanced, the application may be referred to the Licensing & Safety Panel.
- 3.13 Where the application is granted, refused or referred to Panel the Officer will make and retain a written record of the reasoning for the decision to grant or refuse the application form and this will be regarded as the decision of the Council for the purposes of the statutory requirements. Where the application is refused, the statutes give the applicant a right of appeal against the decision of the Council, to the Magistrates' Court. If Members wish any Officer recorded decisions can be included within the Operation Report to Panel.
- 3.14 The duty of the Officer or the Panel charged with the determination of an application is solely to ensure that the applicant is a fit and proper person and only evidence which relates to this aspect of the application will be considered, save where the applicant's human rights are affected and it is necessary to apply principles of necessity and proportionality.
- 3.15 There is a delegation contained within the existing Council Scheme of Delegation to permit the Head of Commercial and Licensing after consultation with the Chair of the Panel to revoke or suspend a licence with immediate effect on the grounds of public safety. The Council Solicitor suggests that it be amended to take into account restructuring of departments and officers amongst other matters to read as follows:
- To authorise any revocation or suspension of a drivers licence in circumstances where it may appear to the Assistant Director Legal & Democratic Services or Head of Trading Standards and Licensing after consultation with the Chair of the Panel that the interests of public safety require that any particular suspension or revocation be made with immediate effect under s61 (2B) Local Government Miscellaneous Provisions Act 1976 as inserted by s52 of the Road Safety Act 2006. This is provided that the decision is reported in the operational report as soon as reasonably practicable by the Licensing Unit Manager or his representative.
- In normal circumstances once a suspension is made under these provisions the driver would not be invited to attend Panel unless revocation was being considered.
- 3.16 As the Officer delegation scheme is contained within the Council Constitution any agreed changes will need to be ratified by Council.

List of Background Papers:-

Application Forms

Contact Details:-

Mr M. Bridge

Licensing Office

Town Hall

Bury

BL9 OSW

Telephone: 0161 253 5209

Email: m.bridge@bury.gov.uk

DRAFT

DRAFT

This page is intentionally left blank

REPORT FOR DECISION

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	10th JANUARY 2019
SUBJECT:	CHANGES TO CONSTITUTIONAL MAKE UP AND FREQUENCY OF LICENSING AND SAFETY COMMITTEE MEETINGS
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain.
SUMMARY:	This report seeks Members views on proposals to make amendments to the frequency and make up of Licensing and Safety Panel meetings dealing with licensed hackney carriage and private hire vehicle, driver and operator matters.
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. To accept the proposals, in part or whole and seek Council approval with regard to altering the frequency of and constitution of licensing and safety panel meetings dealing with hackney carriage and private hire matters 2. To reject the proposals in part or whole
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals
Statement by Executive Director of Resources:	If the changes are accepted any applicant aggrieved by a decision of the Panel or Officers may appeal to the courts. This may incur legal costs for both parties.

Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	Under the legislation the Council is required to determine applications within the terms of the Constitution and it is prudent to review the delegations to the Panel from time to time when there are changes in the law or for general efficiency.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

1.1 Members are aware that the consideration of driver and new applicant’s misdemeanours form a large percentage of the business brought before the Panel. The Local Government (Miscellaneous Provisions) Act 1976 , section 51 (1) provides that in respect of private hire drivers:-

A district council shall not grant a licence to drive a private hire vehicle:

- a) Unless they are satisfied that the applicant is fit and proper to hold a driver licence.

similarly Section 59 (1) provides that in respect of Hackney Carriage drivers:

A district council shall not grant a licence to drive a hackney carriage:

- a) unless they are satisfied that the applicant is fit and proper to hold a driver licence.

1.2 Members will recall that a series of Panel meetings this financial year proceeded past 10.00pm and resulted in the suspension of standing orders for those meetings. Officers were asked to consider options for refining procedures and reducing the amount of business placed before the Panel that continue past 10pm in any one meeting.

1.3 This report is in response to that request and is before members to consider the scheduling of meetings convened to consider matters relating to concerning hackney carriage and private hire vehicle, drivers and operators.

- 1.4 It has long been established that in the interests of practicality, uncontroversial decisions can lawfully be delegated by elected Members to officers. The Council constitution already sets out existing delegations made by the elected Members to officers to enable the business of licensing to be carried on effectively, fairly and within the budget allocation.
- 1.5 Members have already considered amendments to the scheme of delegation between panel and officers in the previous report this evening.

2.0 INTRODUCTION

- 2.1 There are two elements to this report:
- a) alterations to the frequency and timings of Licensing and Safety Panel meetings ;
 - b) amendments to the Council Constitution with regards to the number of members sitting to hear matters relating to the grant, refusal, suspension, and revocation of driver , vehicle and operator licences.

3.0 PROPOSALS

3.1 Alterations to the timing and frequency of Licensing and Safety Panel meetings convened.

At present, the Council Constitution requires that the Licensing and Safety Panel determines driver, vehicle and operator licence applications where applicants do not comply with the relevant criteria or where there are grounds for refusal of an application. Grounds for refusal are often related to a driver's criminal record.

- 3.2 Currently the Council Constitution at Article 8 allows for the appointment of regulatory and non-executive committees set out in Part 3 of the constitution.
- 3.3 Part 3.1 Responsibility for Council Functions details the function of the Licensing and Safety Panel as "Private / public hire vehicles, gaming, alcohol, entertainment, food, gambling and miscellaneous licensing. Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and licences included in the Licensing Act 2003.
- 3.4 The constitution details the membership of the Licensing and Safety Panel as:
- 13 Members of the Authority to form a politically balanced committee where possible;
 - 3 Members of Full Panel to be selected to form politically balanced Licensing Hearings Panels where possible to deal with individual applications for licences under the Licensing Act 2003.
- 3.5 Currently all matters relating to public and private hire are heard at 6 weekly meetings held in the evening starting at 7pm, before a full politically balanced committee where possible.

- 3.6 The majority of matters relating to public and private hire relate to driver misdemeanours and consideration of these in relation to the Statement of Convictions and Guidelines policy and its relevance to previous convictions. Other frequent matters include the consideration by members of a driver's suitability as to fitness to be a driver / operator/ owner.
 - 3.7 The Council Constitution currently allows for licences included in the Licensing Act 2003 to be heard by a 3 member panel selected from the full 13 member panel.
 - 3.8 It is proposed that similar panel hearings i.e. 3 member politically balanced panel where possible be permitted to sit and hear matters relating to Hackney Carriage and Private Hire licences included in the Local Government (Miscellaneous Provisions) Act 1976.
 - 3.9 It is further proposed that such hearings be permitted to sit during the normal working day i.e. Monday- Friday 09.00 – 17.00
 - 3.10 Full Member Licensing and Safety Panel meetings will continue to be scheduled on approximately six weekly intervals and continue to meet in the evening.
 - 3.11 Full Member Licensing and Safety Panel meetings will consider matters of policy as well as relevant public and private hire matters needed to be considered where the driver / operator/ vehicle owner would prefer to be heard at an evening meeting to allow for working arrangements / carer responsibilities to be taken into consideration.
 - 3.12 Any matter to be determined immediately on the grounds of it being in the interest of public safety would continue to be determined through existing delegations.
-

List of Background Papers:-

Application Forms

Contact Details:-

Mr M. Bridge

Licensing Office

Town Hall

Bury

BL9 OSW

Telephone: 0161 253 5209

Email: m.bridge@bury.gov.uk

DRAFT

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank