

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	18 April 2019
Present:	Councillor D Jones (in the Chair) Councillors J Grimshaw, T Holt, G Keeley, K Leach, McGill and Sarah Southworth
Also in attendance:	
Public Attendance:	No members of the public were present at the meeting.
Apologies for Absence:	Councillor N Bayley, Councillor P Cropper, Councillor R Hodgkinson, Councillor O Kersh, Councillor R Skillen and Councillor S Wright

LSP.448 DECLARATIONS OF INTEREST

Councillors Holt and McGill declared personal interests in respect of the suspension/revocation report relating to driver 29/2018 as they had previously met the driver's representative, Mr Ibrahim.

Councillor Sarah Southworth declared a personal and prejudicial interest in respect of the suspension/revocation report relating to driver 29/2018 as she was acquainted with the driver's representative, Mr Ibrahim. Councillor Southworth withdrew from the meeting and took no part in the discussion/decision on this matter.

LSP.449 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 7 March 2019 be approved as a correct record and signed by the Chair.

LSP.450 PUBLIC QUESTION TIME

There were no questions raised under this item.

LSP.451 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:

Licensing Hearings Panel

- A Panel meeting was held on 28 February in respect of Premier Off Licence, 29 Chesham Rd, Bury where it was resolved to vary the conditions of the licence.

- A Panel meeting is scheduled for 25 April in respect of Killon Street off Licence, 26 Price Street, Bury.

Statistics of the Licensing Service

The report set out statistical information in relation to the licensing service for 2018/19.

In response to a question from Councillor Holt an undertaking was given to provide a breakdown of the information relating specifically to complaints received.

It was agreed:

That the report be noted.

LSP.452 URGENT BUSINESS

There was no urgent business raised under this item.

LSP.453 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.454 SUSPENSION/REVOCATION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

Licence Holder 29/2018 attended the meeting and was represented by Mr Ibrahim, Solicitor. The Chair welcomed the licence holder and introduced the Licensing and Safety Panel and outlined the procedure to be followed.

The Deputy Licensing Officer presented a report submitted by the Assistant Director (Legal and Democratic Services). The report highlighted that the Licence Holder had been before the Panel on two previous occasions. On the first occasion in February 2016, the Licence Holder had failed to disclose in his application for a Private Hire Licence, that his Private Hire Licence had been revoked by another authority due to various allegations including inappropriate conduct with a female passenger. This resulted in a verbal warning from the Panel. On the second occasion in March 2017, the Licence Holder appeared before the Panel due to allegations he had stopped and offered to drive a lone female wherever she wanted to go for free. This resulted in a 6 month suspension.

The report outlined details of a matter relating to information received by the Licensing Service on 25 March 2019 relating to an alleged incident on 23 March 2019. The alleged incident related to inappropriate conversation and conduct with a female passenger.

The Licence Holder's representative accepted the contents of the written report but stressed that the Panel should confine their considerations to the facts of the matter of the 23 March 2019. He highlighted that the alleged incident had not been pursued by the Police and that the Licence Holder had no previous convictions.

Delegated decision:

The Panel carefully considered the report, and oral representations by Licence Holder 29/2018 and his representative 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 licence.**

The Panel found as follows:

- The Licence Holder's version of events changed over time in that he stated in interview that he could not recall the journey but was made aware of the complaint immediately after completing the job and proactively contacted the Police himself. In addition, his representative advised the Panel that there had 'undoubtedly been a conversation with a female' but that he denied making reference to his private parts.
- The allegations were of a serious nature.
- There was no reasonable explanation put forward as to why the passenger would lie about the incident.
- The Licence Holder had previously been suspended for an inappropriate behaviour with a female passenger.
- The Licence Holder had previously had his licence revoked by another authority for matters including inappropriate conduct towards a female passenger.
- The Panel was satisfied that the incident took place and that the conduct and behaviour of the Licence Holder towards the complainant was completely inappropriate.
- That the Licence Holder was not a fit and proper person to hold a licence in Bury.

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

LSP.455 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Deputy Licensing Officer presented a report submitted by the Assistant Director (Legal and Democratic Services), regarding an application for Private Hire drivers' licence.

Applicant 28/2018 was not present at the meeting. Despite being given the opportunity to defer consideration of his application, it was reported that the Applicant had requested that the application be heard by the Panel in his absence.

The Deputy Licensing Officer read the report which explained that the Applicant has convictions for two offences of assaulting a police officer in September 2012 for which he received a Community Order requiring him to undertake unpaid work, a curfew with an electronic tag and an order for costs and compensation totalling £250 and an offence of criminal damage in June 2014, for which he received a conditional discharge for 12 months and was ordered to pay costs, compensation and a victim surcharge totalling £95. In addition, the Applicant had failed to declare a speeding conviction in July 2015 for which he was fined £100 and awarded 3 penalty points. The Deputy Licensing Officer then went on to read out a statement provided by the Applicant setting out his version of events in respect of a conviction for 2 counts of assault.

As part of the proceedings, the Panel listened to part of the Applicant's interview with the Licensing Service via a computer link.

Delegated Decision:

The Panel carefully considered the report and the written 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, the panel agreed unanimously, that **the application for a Private Hire driver's licence by Applicant 28/2018 be refused.**

The Panel initially noted the Applicants request that the matter proceed in his absence and were satisfied it was reasonable to do so.

The Panel then considered the application and noted the convictions outlined in the report and concluded that on the evidence presented the Applicant was not a fit and proper person to hold a private hire licence.

In particular the Panel noted the following:

- The convictions were of a serious nature.
- The Convictions Policy states that in relation to police assault the Applicant should be refused if a conviction is less than 10 years prior to the date of the application.
- There was no mitigation or information presented by the Applicant that provided a basis upon which to depart from the Convictions Policy.

COUNCILLOR D JONES
Chair

(Note: The meeting started at 7.00 pm and ended at 8.50 pm)