

AGENDA FOR

LICENSING AND SAFETY PANEL

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To: All Members of Licensing and Safety Panel

Councillors: P Cropper, C Cummins, J Grimshaw,
S Hurst, D Jones, G Keeley, K Leach, C Morris,
B Mortenson, T Rafiq (Chair), C Walsh, S Wright and
Y 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, 6 June 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 18 April 2019 are attached.

4 OPERATIONAL REPORT (*Pages 5 - 8*)

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

5 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.

6 URGENT BUSINESS

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

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, G McGill and Sarah Southworth
Apologies for absence:	Councillors N Bayley, P Cropper, R Hodgkinson, O Kersh, R Skillen, and S Wright.
Public Attendance:	There were two members of the public in attendance.

LSP.001 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 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.002 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.003 PUBLIC QUESTION TIME

There were no questions raised under this item.

LSP.004 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.005 URGENT BUSINESS

There was no urgent business raised under this item.

LSP.006 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.007 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER' LICENCE

(E) 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.008 APPLICATIONS FOR PUBLIC/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.

LSP.009 VOTE OF THANKS

Councillor Holt, on behalf of the Panel, thanked Councillor Jones for the fair and effective way he had Chaired the Panel over the Municipal Year. Councillor Jones in turn thanked Panel Members for their hard work and commitment to the Panel.

COUNCILLOR D Jones
CHAIR

Please note: The meeting started at 7pm and finished at 8.50 pm

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	LICENSING & SAFETY PANEL
DATE:	6th JUNE 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 Licensing Hearings Panel

2.1 On the 25th April 2019, a Licensing Hearings Panel took place in respect of the Killon Street Off Licence, 26 Price Street, Bury, BL9 7EB following an application for review from the Weights and Measures Authority. The application attracted further representations from Greater Manchester Police and the Licensing Authority. Members of the Panel resolved to modify the conditions on the Premises licence following mediation with the Premises Licence Holder.

3.0 Safeguarding Training

3.1 On the 16th April, the first of the mandatory safeguarding training took place at the Red Hall, Manchester Road, Bury. 48 applicants/Licence Holders attended and the feedback received was extremely positive. Please see appendix 1 attached.

- 3.2 The next block of training will be held on the 24th – Wednesday 26th June 2019. The sessions will be between 10.00am until 12noon and then 2.00pm until 4.00pm.

4.0 Common Minimum Standards

- 4.1 The Licensing Unit Manager has been attending meetings in relation to this issue. Information on the proposals will be made available to the members of the Council and the Hackney Carriage and Private Hire trade in due course.
- 4.2 Transport for Greater Manchester are currently running a “conversation” on Air Quality which will be running until the 30th June 2019. The Licensing Service would encourage Members of the Council, members of the public, The hackney carriage and private hire trade. We can engage with this conversation at the following link:-
<https://cleanairgm.com/conversation>

5.0 Pre-requisite Assessments

- 5.1 Bury Adult Learning have been undertaking the English and Maths assessments for new applicants who wish to become a licensed driver within Bury. There have been four sessions since the panel meeting on the 18th April. There have been 16 assessments been carried out of which 13 passed and 3 failed the assessment.
- 5.2 16 driving assessments have been carried out since the panel meeting on the 18th April 2019. All assessments were successful.

6.0 Knowledge Tests

- 6.1 The Licensing Service undertook two sessions for the knowledge test on the 7th and 22nd May 2019 respectively. In total there were 26 tests taken of which 7 passed, 12 failed and 7 failed to attend.

Contact Details:

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Licensing Unit Manager
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Appendix 1 – CSE Training

Applicant	How satisfied were you?	Did you learn something?	Which part of the training was most informative?	Confidence in recognising the following:			Confidence in handling the following:			Do you feel confident reporting safeguarding issues?	Would you recommend the training?
				Signs of Abuse	CSE	Human Trafficking	Signs of Abuse	CSE	Human Trafficking		
1	Very Satisfied	Yes	Everything	8	8	8	8	8	8	Yes	Yes
2	Very Satisfied	Yes	Safeguarding	4	1	1	5	5	5	Yes	Yes
3	Very Satisfied	Yes	N/A	9	8	8	9	9	9	Yes	Yes
4	Very Satisfied	Yes	When the lecturer gave examples of actual police cases, one where 5 or 6 people suspected crime but did nothing and the other examples where children	8	6	5	9	6	5	Yes	Yes
5	Very Satisfied	Yes	N/A	10	10	10	10	10	10	Yes	Yes
6	Very Satisfied	Yes	All of it	10	10	10	10	10	10	Yes	Yes
7	Very Satisfied	Yes	The entire course was informative	10	10	10	9	9	8	Yes	Yes
8	Very Satisfied	Yes	I think the whole lot as it made us all think we do need to do our part.	10	10	10	10	10	10	Yes	Yes
9	Very Satisfied	Yes	Who to inform	9	9	9	9	9	9	Yes	Yes
10	Very Satisfied	Yes	How to spot the signs	5	5	5	9	9	9	Yes	Yes

Additional Comments

Just that it was explained to us in a way we could give our views and join in not just listen
 The person taking the training explained everything well and made sure we all understood

