

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 28 November 2019

Present: Councillor T Rafiq (in the Chair)
Councillors C Cummins, J Grimshaw, K Leach, B Mortenson,
M Smith, C Walsh and S Wright

Public Attendance: 4 Member of the public were present at the meeting.

Apologies for Absence: Councillor S Hurst, Councillor G Keeley, Councillor
C Morris and Councillor Y Wright

LSP.253 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.254 MINUTES OF THE LAST MEETING

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 17 October 2019 be approved as a correct record and signed by the Chair.

LSP.255 PUBLIC QUESTION TIME

Mr Charles Oakes on behalf of the Hackney Carriage Drivers Association raised an issue regarding the report on the vehicle signage report on the agenda and what he perceived as a misleading reference to the removal of plates. In response Ms Angela Lomax, Head of Trading Standards and Licensing advised the panel that the query had been raised by Mr Oakes in writing and she had responded. Ms Lomax read out the response and provided Mr Oakes with a written copy.

Ms Donna Short on behalf of the Private Hire Drivers Association asked a question about a matter raised at the last meeting regarding tinted windows. Ms Lomax indicated that she had not yet been able to respond but would do so.

Mr Warriach on behalf of the Private Hire Drivers, Bury asked/raised 3 questions/issues:

1. When will the MOT station open?
2. Could he make a presentation to the panel as to why the signs on the front of vehicles should be removed?
3. What progress had been made regarding the redesigning of drivers badges?

The Chair advised that in respect of the second issue, drivers and their representatives had provided sufficient information on the last occasion to explain why this was to be reviewed. Their representations had resulted in the report on the agenda for consideration by the Panel.

In relation to question 1, Ms Lomax advised that she has emailed the Director and Assistant Director of the service that operates the testing station situated at

Bradley Fold. The response she has received is that the keys will be handed over on 9 December 2019 but the station is also awaiting a DVSA inspection before it can operate. It was accepted that this is later than originally planned. In relation to question 3, Ms Lomax advised she has made enquiries to see if this could be done internally but it cannot. The current provider is able to do this, but the cost will increase and will have to be passed on to drivers. This is still be progressed.

LSP.256 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:

Taxi Working Group Meeting

The Licensing Unit Manager attended the Greater Manchester Taxi Working group meeting held at Transport for Greater Manchester on 5 November 2019. Discussion was around the clean air agenda and common minimum licensing standards.

Public Protection Managers Group

The Head of Trading Standards and Licensing attended a workshop event on 24 October 2019 about selective licensing. Topics covered houses in multiple occupation.

Air Quality (Taxi and Private Hire Vehicles Database)(England and Wales) Regulations 2019

The Licensing Service are currently working on the implementation of these regulations which places a statutory duty to provide the following information relating to hackney and private hire vehicles to create a centralised database:

- Vehicle Registration Mark
- Licence Dates
- Type of licence Hackney or Private Hire
- Licensing Authority Name
- Licence Plate Number
- Wheelchair accessible

A memorandum of understanding has been signed and the relevant privacy notice is being reviewed.

Training Event – 6 November 2019

The Licensing Unit Manager and Councillor Rafiq attended a training course on taxi licensing at Bolton Town Hall.

Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018

Following the introduction of the above regulations last year, the Licensing Service have issued renewal letters for those premises that received a one star rating (one year licence). Inspections will be undertaken in due course.

Purple Flag Assessment

The external assessment undertaken by the Association of Town Centre Managers for the Purple Flag accreditation took place on 16 November 2019. The Council is now currently awaiting the decision.

Scrap Metal Licences

The Licensing Service are currently dealing with renewal application for scrap metal licences for scrap metal sites and mobile scrap metal dealers. These licences expire every three years.

Bradley Fold

The works currently being undertaken at Bradley Fold following the fire earlier this year are nearing completion. Once the works have been completed the testing of licensed vehicles will return to Bradley Fold.

Immediate Revocation of a Private Hire Drivers Licence

On 15 November 2019, the Licensing Service received information from Merseyside Police regarding a private hire driver who was in possession of cocaine and cannabis and was arrested following a roadside drug test in which he tested positive for cocaine. The Head of Service for Trading Standards and Licensing following consultation with the Chair of the Licensing and Safety Panel decided to revoke the driver's private hire driver's licence with immediate effect.

It was agreed:

That the report be noted.

LSP.257 REVIEW OF VEHICLE SIGNAGE

The Assistant Director (Legal and Democratic Services) submitted a report advising Members that the Private Hire Drivers Association and the Hackney Carriage Drivers Association requested that the Council consider the removal of the front plate from licensed vehicles due to them being subject to attacks whilst driving on the road.

The report was presented by the Licensing Unit Manager. This explained that the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) and the Town Police Clauses Act 1847 (TPCA) make provisions for a Local Authority (district council) to issue a plate or disc for a private hire and a hackney carriage vehicle, in pursuance of a licence. This must be fixed to or 'exhibited' on the vehicle. In

addition, the Local Authority can attach such conditions as it may consider reasonably necessary to the licence.

The report went on to explain the current requirements for vehicle signage and the historical background. Information was also provided as to research on the issue together with survey findings and the opinions of affected groups including the TfGM Disability Design Reference Group (DDRG).

Questions were asked by the Panel as to evidence around attacks against drivers and the reasons, size of signs and also that consultation was to be undertaken next year regarding proposed Common Minimum Standards which will include signage on the front and rear of vehicles.

Members were requested to consider the options:

1. To agree the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association.
2. To remove the requirement for a front licence plate.
3. To implement an alternative decision following consideration of the report.
4. To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.

It was agreed:

1. That the report be noted.
2. To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.
3. That a report be presented to a future meeting regarding the size of vehicle signage.

LSP.258 URGENT BUSINESS

There was no urgent business reported.

LSP.259 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.260 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES

The Licensing Unit Manager presented a report submitted by the Assistant Director (Legal and Democratic Services) regarding applications for Public/Private Hire Vehicles Drivers' Licences.

Applicant 13/2019 attended the meeting and was unaccompanied. The Licensing Unit Manager read the report, which was accepted by the Applicant. This explained that as part of the application procedure for a Private Hire Drivers Licence, this applicant submitted a DBS enhanced certificate and declared a caution issued by the Metropolitan Police for taxi touting in October 2014. And that the Applicant had also previously held a Private Hire Drivers Licence issued by TfL which was revoked.

In interview the Applicant explained that he had been parked and approached by an individual asking about the fare for a journey. He was then approached by others who revealed themselves to be police officers. He went on to explain that he was advised to accept the caution which he did but that he had previously driven for 35 years without any previous issues. He also explained that he did try to advise TfGL about the conviction but was told he did not need to report it but then his licence was subsequently revoked.

Delegated decision:

The Panel carefully considered the report, 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 and resolved, unanimously, that **the application for a Private Hire Driver's Licence by Applicant 13/2019 be granted.**

The Panel noted that although this was a serious matter, it was committed more than 5 years ago. The Applicant had no other complaints or convictions and appeared remorseful for his actions. The Panel therefore agreed that he was a fit and proper person to hold a licence in Bury.

LSP.261 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

Licence Holder 12/2019 attended the meeting and was unaccompanied. 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 set out the reasons for the Licence Holder being before the Panel.

The report explained that the Licence Holder has a conviction on 3 October 2019 for plying for hire and driving without insurance, for which he was sentenced to a fine of £432, costs of £458, a Victim Surcharge of £32 and was awarded 6 penalty points. In addition it was noted that he had taken 12 days to notify the Licensing Department of this conviction and had his licence previously refused in 2009 due to a conviction for battery and once receiving a licence in the same year, he received a warning for plying for hire.

The Licence Holder advised the Panel that the circumstances of the most recent conviction were that he was parked and was approached by 2 men and they asked him to take them. He refused but as they continued to hang around his car and he had a similar situation in 2016 when his car was damaged, he decided to take them. He was subsequently stopped by the police and now realises he made a big mistake and should not have taken them. He stated that he was offered a caution

but did not understand what this meant and so he refused to accept it was the matter went to court. He has not been driving since that time.

Questions were asked by the Panel.

Delegated decision:

The Panel carefully considered the report and the oral representations by Applicant 12/2019 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 Holders Private Hire Driver's Licence.**

The Panel noted the following:

1. That the offences were of a very serious nature,
2. That the conviction was very recent,

That the licence Holder had not notified the Licensing Service of the conviction within a reasonable period of time.

The Panel agreed that he was not a fit and proper person to hold a licence in Bury.

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

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 7.00 pm and ended at 8.40 pm)