

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 4 June 2020

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw, T Holt, S Hurst, I Schofield and Sarah Southworth

Also in attendance:

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

Apologies for Absence: Councillor G Keeley, Councillor K Leach, Councillor C Morris, Councillor M Smith, Councillor C Walsh, Councillor S Wright and Councillor Y Wright

LSP.24 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.25 MINUTES OF THE LAST MEETING

1. That the Minutes of the Meeting held on 05th March 2020 be approved as a correct record and signed by the Chair.

LSP.26 PUBLIC QUESTION TIME

None.

LSP.27 EXCLUSION OF PRESS AND PUBLIC

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.28 SUSPENSION/REVOCATION OF PRIVATE HIRE DRIVER LICENCE

Applicant 19/2019 attended the meeting and was accompanied by a representative, Mr Haider.

The Chair made introductions and Janet Witkowski, Head of Legal Services explained the procedure and ensured that the Applicant, his representative and members of the Licensing and Safety Panel had all read the report and his written submissions.

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding the revocation of a Private Hire Vehicle Driver's Licence. The report, which was accepted by the Applicant, explained that the Licence Holder had held a private hire driver's licence since 03/06/2016. On 27/01/2020 the Deputy Licensing Officer received an email from Uber to inform us

that they had deactivated their partnership with the Licence Holder, due to a pattern of concerning reports regarding poor / dangerous driving. Details of the complaints was provided which showed three complaints on 28/12/2019, of swerving and breaking unnecessarily whilst trying to look at the road and his satnav, 30/12/19 of reversing up a dual carriageway and 15/01/20 of dangerous driving. As a result of these three complaints, Uber advised that they deactivated their partnership with the client on 16/01/20.

The Deputy Licensing Officer then received a further complaint that on 01/02/20 Licence Holders vehicle was in front of the complainant and had made as if it was going to turn and then pulled back out into traffic nearly causing a collision. It did this on three occasions before finally pulling into a side road.

The Licence Holder denied all of the complaints against him and explained through his representative, that the car used is a Nissan Leaf which has an E-break, so that when the accelerator is depressed automatically applies the breaks and this is why the applicant believes the customers has wrote that he was breaking excessively.

In defence of the second complaint, the Licence Holder stated that the complainant was wrong in that the road was not a dual carriageway but instead it was a single carriage way and there was no reasonable option other than to turn back onto the original road he entered. He further stated that the passenger did not know where they were going and caused the Licence Holder to change direction and he would never reverse on such a road.

In relation to the final complaint, the Licence Holder stated he did use signals and mirrors and attempted to turn back onto the road following the correct and safe procedure. He also questioned ow long it had taken to report the matter. In addition the Licence Holder stated he had been driving for over 15 years and that the ratings received from the jobs undertaken through Uber showed that 169 people out of 180 have rated the applicant as a 5 star driver. He also disputed the reason for leaving Uber stating it was his decisions. However the Licensing Unit Manger did confirm that Uber had directly indicated they terminated the arrangement.

Delegated decision:

The Panel carefully considered the report, the oral and written representations by the Licence Holder and his representative and after taking into account Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, **to suspend the licence for four months and request that the driver attend Driving Standards Course within 12 months.**

The Panel noted that;

- the Licence Holder's version of all the incidents differed from each of the 4 complainants.
- each of the allegations and version of events as stated by Uber and in the final complainant's witness statement was accepted.

- the Licence Holder did have contradicting allegations regarding the termination of his Uber contract but that the position stated by Uber was accepted.
- each of the incidents alone were of a serious nature and dangerous to passengers, other road users and the Licence Holder himself.
- the allegations clearly demonstrated poor driving on a number of occasions that lead the Panel to have serious concerns as to the Licence Holders driving competency.

LSP.29 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - NEW

Applicant 20/2019

Applicant 20/2019 withdrew his application.

Applicant 21/2019

Applicant 21/2019 attended the meeting and was accompanied by a representative, Mr Ahmed.

The Chair made introductions and Janet Witkowski, Head of Legal Services explained the procedure and ensured that the Applicant, his representative and members of the Licensing and Safety Panel had all read the report and his written submissions.

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding the application for a Private Hire Vehicle Driver's Licence. The report, which was accepted by the Applicant, explained that the Applicant had held a private hire drivers licence since 26/02/2015 and had renewed his licence annually until its revocation on 18th January 2018, following a conviction for possession of a controlled drug and the Applicants failure to disclose this to the Licensing Service in accordance with the licence conditions. The Applicant had now submitted a new licence application.

The Applicant's representative addressed the Panel and explained that the Applicant had a turbulent childhood after the death of his father. He had recently married and made a decision to improve himself. He took responsibility for his actions, was remorseful and had shown a lack of judgement in the past. He stated he has stopped using drugs and in light of the current pandemic asked that he be allowed to renew his licence earlier to financially support himself. It was clarified that since 2017 he has had no further convictions or other issues and has worked hard until the pandemic had adverse effects on his employment.

When asked why he had not declared the offences he stated that he believed they would show up on his next renewal and he believed he was not obtaining the correct advice due to his naivety at the time. He was sorry for this and stated he understood the requirements and ongoing duties of holding a licence.

Delegated decision:

The Panel carefully considered the report, the oral and written representations by the Applicant and his representative and after taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, that the **application for a Private Hire driver's licence by Applicant 21/2019 be granted for a 12 month period.**

The Panel noted that;

- the previous actions of the Applicant were serious.
- the Applicant had shown remorse and understood his previous behaviour was unacceptable.
- the Applicant's personal circumstances had now changed and he was settled and married.

Applicant 22/2019

Applicant 22/2019 attended the meeting and was unrepresented.

The Chair made introductions and Janet Witkowski, Head of Legal Services explained the procedure and ensured that the Applicant and members of the Licensing and Safety Panel had all read the report and his written submissions.

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding the application of a Private Hire Vehicle Driver's Licence. The report, which was accepted by the Applicant, explained that the Applicant had held a private hire drivers license since 29/03/2016. On the 21st April 2017 a complaint was received from a member of the public that the Applicant had refused to take three blind people and a guide dog in his vehicle and had been notified prior to the pickup. The Applicant appeared before the Panel in November 2017 and his licence was revoked. He appealed the decision to the Magistrates Court but this was dismissed as he failed to attend. He subsequently appealed to the Crown Court but withdrew this as he licence was then revoked on 1 August 2018, due to an allegation from Greater Manchester Police that they had arrested the Applicant in relation to offences under the Sexual Offences Act 2003 and the Theft Act 1968 which alleged he inappropriately touched a female passenger and refused to allow her to leave his vehicle.

The Applicant addressed the Panel and referred to the medical evidence he had submitted. He stated he has a phobia of dogs after being bitten by one as a child. He did advise the Panel he is taking steps to cure his fear by spending time with neighbour's dogs and is getting better in his interaction with dogs. He advised he was unaware it was a guide dog when he took the original job and advised if he had known he would have conducted the journey. However he did accept that he was told that the pickup would be from Bury Blind Society, but stated that not everyone from that venue has a guide dog. He apologised and stated he would pick up a guide dog with a passenger in future.

When asked about the sexual offence and theft allegation, the Applicant stated these were false and not pursued by the police.

Delegated decision:

The Panel carefully considered the report, the oral and written representations by the Applicant and after taking into account all of the information before it in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, that the **application for a Private Hire driver's licence by Applicant 22/2019 be granted for a 12 month period.**

The Panel noted that;

- the allegations made against the Applicant were of a serious nature
- the Applicant showed remorse and apologised for his actions in relation to the guide dog
- the Applicant had medical evidence to support his phobia of dogs
- the Applicant is taking steps to improve his confidence around dogs and agreed he would now take guide dogs in his vehicle.

Applicant 23/2019

Applicant 23/2019 attended the meeting and was unrepresented.

The Chair made introductions and Janet Witkowski, Head of Legal Services explained the procedure and ensured that the Applicant and members of the Licensing and Safety Panel had all read the report and the Applicants written submissions. The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding the application of a Private Hire Vehicle Driver's Licence. The report, which was accepted by the Applicant, explained that the Applicant was granted his first private hire driver's license on 16th October 2015 for a three year period.

On the 3rd September 2018, the Applicant attended a hearing of the Licensing & Safety Panel for the driving offences which resulted in his driving licence being suspended by the DVLA for 'totting up' i.e. having 12 points on his licence. The Panel decided to suspend his Private Hire drivers licence for a period of 4 months. However, they determined that the suspension should only become effective when his DVLA licence was reinstated. This did not happen until 17 August 2019 as the Applicant was disqualified from driving for 6 months due to the points on his licence and a having been convicted of a further speeding offence.

The Applicant explained he had not worked for 18 months since the loss of his licence. He has had no convictions since getting his licence back. When asked by the Panel how he felt he was as a driver and how it reflected on public safety, he stated that the offences did not occur whilst carrying passengers and where only 3 to 6 miles over the relevant speed limit. He went on to state that whilst working as a taxi driver he worked for 60 or 70 hours per week which left him more likely to make mistakes. Since he has not been working, the Applicant stated he felt his driving had improved. He noted the impact on insurance premiums of the offences and sated that he was sorry. He had learnt the hard way and that he would not commit offence again.

Delegated decision:

The Panel carefully considered the report, the oral and 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, resolved, unanimously, that the **application for a Private Hire driver's licence by Applicant 23/2019 be granted for a 12 month period.**

The Panel noted that;

- the Applicant had a large number of driving convictions for speeding, which were all of a serious nature.
- the convictions demonstrated poor driving on a number of occasions.
- the Applicant has not been driving as a taxi driver for 18 months.
- the Applicant showed remorse for his actions.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.14 pm and ended at 3.44 pm)