

Minutes of: **LICENSING AND SAFETY PANEL**

Date of Meeting: 3 September 2020

Present: Councillor T Holt (in the Chair)
Councillors G Keeley and I Schofield.

Also in attendance:
Anita Green - Legal Services
Michael Bridge - Licensing Unit Manager
Angela Lomax - Head of Service (Trading Standards and Licencing)
Chloe Ashworth – Democratic Services

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

Apologies for Absence: None

LSP.184 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.185 MINUTES OF THE LAST MEETING

That the Minutes of the Meeting held on 23rd July 2020 be approved as a correct record and signed by the Chair

LSP.186 OPERATIONAL REPORT

The report advises Members on operational issues within the licensing service.

Michael Bridge, Licensing Manager, provided an overview of a report which advises Members on operational issues within the licensing service.

Key areas raised were:

The Licensing Service are working with partners (Greater Manchester Police) undertaking visits to licensed premises to ensure that they are compliant with the Coronavirus Act 2020. Any issues that have been found have resulted in advice being given to licence holders to ensure that they put measures in place to ensure compliance. Revisits are then being carried to check the measures have been put in place.

Following the members of the Licensing and Safety Panel authorising the request for a hackney carriage fare increase, the licensing service have advertised the proposal submitted by the Hackney Carriage Drivers Association in the Bury Times. No objections during the objections were received therefore the Licensing Service are working with the hackney trade to ensure all meters are changed to the correct tariff.

It was agreed:

1. That members note the report and work of the licensing service.

LSP.187 EXCLUSION OF PRESS AND PUBLIC

It was agreed:

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.188 APPLICATION FOR A HACKNEY CARRIAGE/ PRIVATE HIRE DRIVER LICENCE

Applicant 07/2020

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding the application of a Private Hire Vehicle Driver's Licence.

Applicant 07/2020 attended the meeting alone.

The Chair made introductions and explained the procedure and ensured that the Applicant and members of the Licensing and Safety Panel had all read the report. The report, which was accepted by the Applicant, explained that this matter was due to be considered on the 23rd July 2020, when this client requested that the matter be deferred to a future meeting. Members agreed to the deferment.

As part of the application procedure for a Public / Private Hire Drivers Licence, this client completed a written application form for a licence to drive a Private Hire Vehicle. On the application form it states "You MUST declare on this application form ALL Convictions, police cautions and fines which you have received at any time during your lifetime, even if you consider them spent".

Question 1 asks if the applicant has ever received a warning or caution from the police; to which this client has marked NO.

Question 2 then asks if the client has ever been convicted of an offence to which the client has also responded NO.

The client signs and dates the application having declared that the information provided is true to the best of his knowledge and belief.

Upon receipt of the DBS certificate the following convictions were declared:

Attempt Robbery contrary to s.8 Theft Act 1968 and Robbery contrary to s.8 Theft Act 1968 – conviction date 5th April 2017.

The applicant advised that he believed that the conviction was considered as spent as he was under the age of 18 at the time of conviction. He advised the panel he was remorseful and had fell into the wrong group of friends with whom he no longer was in contact with.

When questioned why he did not declare the convictions the driver advised he received incorrect advice from his Solicitor and the Youth Team informing him that the conviction has been 'spent' and does not need to be declared. The driver advised that all fines had been paid and he had attended the youth team classes for 12 months.

Delegated decision:

The Panel carefully considered the report, the oral representation 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 07/2020 be rejected.**

In considering whether the applicant is a fit and proper person to hold a Private Hire Driver's Licence the panel found the following:-

- The Policy states that such a conviction 10 years old or less will normally be refused.
- This conviction is only 3 years old
- The Panel noted there were 2 offences
- The applicant had failed to declare the conviction on his application form
- The application form is clear that The Rehabilitation of Offenders Act does not apply
- His remorse was noted
- Public safety is paramount
- The applicant is not a fit and proper person to hold a licence.

Applicant 10/2020

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding the application of a Private Hire Vehicle Driver's Licence.

Applicant 10/2020 attended the meeting alone.

The Chair made introductions and explained the procedure and ensured that the Applicant and members of the Licensing and Safety Panel had all read the report. The report, which was accepted by the Applicant, explained that this client has held a private hire driver's licence continuously since 10th October 2008. He has also held a Private Hire Operators Licence continuously since 31st July 2009. This client also holds a PSV (Public Service Vehicle) driver's licence which he has held continuously held since 1st September 2014. Following the expiry of his current driver's licence on the 27th June 2020 the client submitted an online application to renew his Private Hire driver's licence on the 6th July 2020.

As part of the application the client provided details of an SP50 speeding offence from 2019. However, when a licensing advisor used the DVLA's online portal to check the client's driving licence the following conviction(s) were found:

SP30 - Exceeding statutory speed limit on a public road - 25/11/2017 and SP50 – Exceeding speed limit on a motorway - 29/07/2019.

The service was aware of the first SP30 offence from 2017; however, there is no record held of the notification of the SP50 offence. The client has therefore failed to declare this motoring conviction within the correct time frame as stipulated in his driver's conditions.

The applicant advised that he did forget to inform the licensing service within the 7 day period of his speeding offence. However he did disclose this when renewing the private hire licence. He reiterated that the speeding offence was a SP50 speeding on a motorway which he received 3 points and a £100 fine as a fixed penalty and the offence was committed in his private car.

Delegated decision:

The Panel carefully considered the report, the oral representation 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 10/2020 be approved.**

In considering whether the applicant is a fit and proper person to hold a Private Hire Driver's Licence the panel found the following:-

- The applicant is a fit and proper person to hold a licence.
- The offence was declared on renewal of his application
- The applicant was remorseful for not declaring and advised it was an oversight

Applicant 11/2020

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) regarding the application of a Private Hire Vehicle Driver's Licence.

Applicant 11/2020 attended the meeting alone.

The Chair made introductions and explained the procedure and ensured that the Applicant and members of the Licensing and Safety Panel had all read the report. The report, which was accepted by the Applicant, explained that the client has been a licensed Private Hire Driver with this Authority since 23rd March 2011.

On 6th July 2020, this client made an online electronic application for a Private Hire Drivers licence. On the electronic application form it states in bold that you must declare all previous convictions, fines or cautions on this application form including any traffic offences and offences where a conditional discharge was awarded. This client declared the following conviction:
Driving without due care and attention - 27/07/2019. The licensing service has no record of this conviction.

The applicant explained that he had been driving down a dual carriage way in Manchester having dropped off a fare. He was the subject of a roadside stop by a Traffic Officer from Greater Manchester Police who issued him with a fixed penalty notice. He believed that he was not required to disclose the conviction until it was time to renew his licence.

The driver confirmed it was a mistake on his behalf and apologised. He stated that he had wrongly relied on the advice of others in deciding not to notify the licensing service.

Delegated decision:

The Panel carefully considered the report, the oral representation 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 11/2020 be accepted.**

In considering whether the applicant is a fit and proper person to hold a Private Hire Driver's Licence the panel found the following:-

- The applicant is a fit and proper person to hold a licence.
- The offence is not classified as a major offence
- The driver has 12 years' experience and reputation as a good driver
- He received incorrect advice but now knows the correct advice to follow

COUNCILLOR T HOLT
Chair

(Note: The meeting started at 1.00 pm and ended at 3.00 pm)