

**Minutes of: LICENSING AND SAFETY PANEL**

**Date of Meeting:** 16 December 2020

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

**Also in attendance:** M Caveney - Legal Services  
M Bridge - Licensing Unit Manager  
M Cunliffe – Democratic Services

**Public Attendance:** 2 members of the public were present at the meeting.

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**LSP.408 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Angela Lomax, Head of Service (Trading Standards and Licencing).

**LSP.409 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**LSP.410 PUBLIC QUESTION TIME**

There were no public questions.

**LSP.411 URGENT BUSINESS**

No urgent business was reported.

**LSP.412 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.413 APPLICATIONS FOR THE REQUEST TO GRANT A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER**

**Applicant 22/2020**

The Licensing Unit Manager presented a report submitted by the Executive Director (Operations) related to Licence Holder 22/2020 who attended the meeting along with a legal representative. The Chair made introductions and outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Licence Holder set out the reasons for the Licence Holder being before the Panel.

This client had held a private hire driver's licence continually since the 28<sup>th</sup> July 2011 until its expiry on the 5th November 2020. He submitted an online application for the renewal of a private hire driver's licence on the 22<sup>nd</sup> October 2020. As part of the renewal application applicants should state yes or no to the question "Do you have any convictions, fines or formal cautions?"

The online process indicated that applicants should "include all convictions that you may have including motoring convictions" When a licensing advisor used the DVLA's online portal to check this applicants driving licence the following conviction was found which was not declared via the yes option in the applicants declaration on his application:

| Offence   | Offence Date    | Expiry Date                 | Sentence   |
|---|-----------------|-----------------------------|--|
| SP30 - Exceeding statutory speed limit on a public road | 13th March 2019 | 13 <sup>th</sup> March 2022 | Licence endorsed with 3 points<br>Fixed Penalty Notice |

The applicant had therefore failed to declare this motoring conviction within the correct time frame as stipulated in the private hire drivers licence conditions.

**Condition 13 of this clients Private Hire Drivers Licence states:**

*Convictions – If you are formally cautioned for an offence or convicted of an offence you must tell us in writing, within seven days. Write to the Licensing Unit Manager, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ.*

The applicant was subsequently interviewed by a licensing enforcement officer. He explained that it was a mistake due to his lack of knowledge.

The applicant was asked to explain his reasons in writing for failing to declare the conviction and this was attached to the agenda pack in Appendix 1.

**Delegated decision:**

The Panel carefully considered the report, the additional documentation and oral representations by licence holder 22/2020 and his legal representative. Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, **resolved, on a majority basis, to grant the Licence application for a 12 month period subject to a written warning being issued for his failure to notify the Licensing Unit of a motoring conviction.**

The Panel noted that;

- the Licence Holder was remorseful
- the license Holder did not intend to be deceitful
- the License Holder now understands the correct process
- The license holder would receive a warning letter

**COUNCILLOR T HOLT**  
**Chair**

**(Note: The meeting started at 12.45pm and ended at 1.27pm)**