

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 24 June 2020

Present: Councillor S Walmsley (in the Chair)
Councillors T Holt 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.

LSP.50 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.51 PUBLIC QUESTION TIME

No public questions were asked.

LSP.52 MINUTES OF THE LAST MEETING

1. That the Minutes of the Meeting held on 4th June 2020 be approved as a correct record and signed by the Chair.

LSP.53 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.54 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCE

Applicant 01/2020

Applicant 01/2020 attended the meeting alone.

The Chair made introductions and Anita Green, Representative 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 a proposed suspension or revocation of a Private Hire Vehicle Driver's Licence. He advised that document pack page 13 stated the

offence was 'intermediate' however, he confirmed it is in fact a 'minor' offence. The report, which was accepted by the Applicant, explained that the Licence Holder had held a private hire driver's licence since 17/06/2010. On 5th June 2020 this client made an online application to renew his Private Hire Drivers licence. On the renewal application the following question is asked to declare if he had any convictions, fines or formal cautions. This client answered No to the question. However when a licensing advisor checked the client's driving licence the following conviction(s) were found:

SP30 Exceeding statutory speed limit on a public road one on the 21/07/2019 and another on the 21/08/2019. When the licensing records were checked, the client had also not informed us of these convictions.

When questioned by the Deputy Licensing Officer on the matter, this client explained that he was going to enter the convictions on the application but he did not attend court so did not know what to enter in the box so did not enter anything and said No instead to the question

When questioned in the meeting by the Licensing Unit Manager, the licence holder advised he did not declare the convictions by mistake as he felt confused by the form.

The license holder was informed if in any doubt he should contact the Licensing Service for assistance to avoid this occurrence and the form states this.

Delegated decision:

The Panel carefully considered the report, the oral and written representations by the Licence Holder and after taking into account Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, **to admonish the licensee as to future conduct and reinstate his licence.**

The Panel noted that;

- the Licence Holder was honest and consistent in his reason why he didn't declare
- the Licence Holder was remorseful for his actions
- the License Holder now understands the correct process

Applicant 02/2020

Applicant 02/2020 attended the meeting alone.

The Chair made introductions and Anita Green, Representative 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 a proposed suspension or revocation of a Private Hire Vehicle Driver's Licence. He advised that document pack page 16 stated the offence was 'intermediate' however, he confirmed it is in fact a 'minor' offence. The report, which was accepted by the Applicant, explained that the Licence Holder had held a private hire driver's licence since 21/01/2004.

On 16th April 2020, this client made an online application to renew his Private Hire Drivers licence. On the renewal application the following question is asked, "do you have any convictions, fines or formal cautions". This client answered No to the question. However when a licensing advisor checked the client's driving licence the following convictions were found:

SP30 Exceeding statutory speed limit on a public road on the 14/07/2017 and 28/01/2020.

When questioned in the meeting by the Licensing Unit Manager the Licence Holder advised he had confusion with the form and made a mistake.

Delegated decision:

The Panel carefully considered the report, the oral and written representations by the Licence Holder and after taking into account Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, **to admonish the licensee as to future conduct and reinstate his licence.**

The Panel noted that;

- the Licence Holder was remorseful and believed he made an honest mistake
- the License Holder now understands the correct process
- this issue has occurred more frequently and the root cause could be down to the online application not being clear enough for license holders.

Applicant 03/2020

Applicant 03/2020 attended the meeting and was accompanied by a representative, Charles Oakes.

The Chair made introductions and Anita Green, Representative 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 a proposed suspension or revocation of a Private Hire Vehicle Driver's Licence. The report, which was accepted by the Applicant and his representative explained that the Licence Holder had held a private hire driver's licence since 03/07/2014.

On 01st June 2020, this client made an online application to renew his Private Hire Drivers licence. On the renewal application the following question is asked, "do you have any convictions, fines or formal cautions". This client answered No to the question. However when a licensing advisor checked the client's driving licence the following convictions were found:

LC20 Driving otherwise than in accordance with a licence on the 04th November 2018.

When questioned in the meeting by the Licensing Unit Manager the Licence Holder advised he believed the declaration was asking for findings from his CRB to which he had nothing.

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 admonish the licensee as to future conduct and reinstate his licence.**

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
- this issue has occurred more frequently and the root cause could be down to the online application not being clear enough for license holders.
- The Licensing and Safety Panel would have made the same decision if disclosed when he should have and so the License holder is not benefiting from none disclosure.

LSP.55 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

Applicant 04/2020

Applicant 04/2020 did not attend the meeting but requested the item to continue in his absence.

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 had been sent to the Applicant, explained that the Applicant had held a private hire drivers licence continually since 28th March 2008.

He has also held a Private Hire Operators Licence continuously since 28th August 2008. His Private Hire Operators' Licence remains valid until the 23rd September 2020. However, his current drivers licence expired on the 16th May 2020.

This client submitted a written application for the grant of a Private Hire drivers licence due to his previous licence expiring on the 26th May 2020. To the question have you ever been convicted of an offence; this client indicated yes; disclosed an SP30 from 25th August 2019 and suggested that the service refers to its own records for all other information. The service has no record of this client notifying the service of this most recent speeding offence from August 2019.

When a licensing advisor used the DVLA's online portal to check the client's driving licence on the 26th May 2020 the following conviction(s) were found:

TT99 – Signifies a disqualification under the totting up procedure. The total number of penalty points reached 12 or more within three years on the 04th July 2018

SP30 - Exceeding statutory speed limit on a public road on the 25th August 2019

The panel questioned if the decision was in relation to both is Private Hire Licence and Private Hire Operators Licence are two separate decisions. They were advised it is two separate decisions.

Delegated decision:

The Panel carefully considered the report and written 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 04/2020 be refused but allow the Private Hire Operators Licence to remain.**

The Panel noted that;

- The previous driving history of the applicant is serious
- The applicant has not shown improvement in his driving at speed nor in his obligation to declare traffic offences
- The applicant has disregarded his past appearances before Panel for failing to declare traffic offences. He must have known he was obliged to declare traffic offences having appeared before Panel for such matters in the past. In addition he has held a private hire drivers licence for 12 years and should be aware of the requirement to disclose any offences to the Licensing Department.
- He has undertaken a practical driving assessment in the recent past to no effect
- Public safety is paramount and he has shown little contrition in respect of the seriousness of speeding.
- The offences have been committed within a short period of time.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.00 pm and ended at 3.12 pm)