

**Minutes of:** **LICENSING AND SAFETY PANEL**

**Date of Meeting:** 4 November 2020

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

**Also in attendance:**  
Anita Green - Legal Services  
Michael Bridge - Licensing Unit Manager  
Chloe Ashworth – Democratic Services

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

**Apologies for Absence:** Angela Lomax - Head of Service (Trading Standards and  
Licencing)

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**LSP.284 DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**LSP.285 PUBLIC QUESTION TIME**

There were no public questions.

**LSP.286 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.287 SUSPENSION/REVOCATION OF PRIVATE HIRE DRIVER LICENCE**

**Applicant 17/2020**

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

Applicant 17/2020 attended the meeting with his wife as a representative.

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 continuously since 28th April 2008. His current licence was granted for a period of 12 months on the 22nd May 2020 and will expire on the 21st May 2021.

On three occasions the deputy licensing officer wrote to the client having seen the private hire vehicle failing to correctly display operator signage and a rear mounted private hire vehicle licence plate.

The client and his wife explained that he had received the first two letters but had not received the third letter. This client accepted that the vehicle was without signage for a period of time whilst he was not working due to the pandemic. This client stated that he did not understand that he needed to present the vehicle for inspection and that he has made a mistake in failing to do so.

### **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 with immediate effect for 28 days.**

The Panel noted that;

- Vehicle PV 0369 was seen on 3 separate occasions without the correct signage as required by the conditions for private hire vehicle licences
- The client was written to on 3 separate occasions warning him about this and explaining the signage condition in detail
- The letters also required the client to take his vehicle to the Licensing Authority for inspection on 2 occasions. He failed to comply with this on 2 occasions.
- The letters warned that continued breach of the condition could result in the client being taken before the Panel for consideration of suspension or revocation of his private hire vehicle licence.
- The breaches were noted on 3 separate dates namely : 16 June 2020, 2 August 2020 and 17 September 2020. On each occasion the vehicle was being used on public roads.
- The Policy states that a breach of conditions may be referred to the Panel for consideration of final warning, suspension or revocation.
- In addition the client has breached the guidance in the Policy because his behaviour is not influenced by written warnings – he has had 3 within the 12 month period. He has ignored them all.
- It is noted that he was warned in December 2017 for not correctly displaying his private hire badge.
- Therefore there are 4 breaches of conditions by this driver
- The Panel has noted that he has stated that he was not working in the pandemic. He said he had difficulty getting the signage, because of the pandemic. The panel finds this excuse unacceptable. A private hire vehicle must at all times display the signage or hand in the plate. This is in the interests of public safety.
- The Client's explanation for not having the rear mounted private hire vehicle plate in June 2020 was not a good enough reason for breaching the signage condition.
- The Panel found that the requests in the letters to present the vehicle for inspection were ignored on 2 occasions. It is not accepted that he did not understand the requests. It is his responsibility to ensure that he

understands letters from the Licensing authority, and takes whatever steps are necessary to so.

- The Panel has noted that the client says he did not receive the 3<sup>rd</sup> letter. However, the Panel found on a balance of probabilities that the 3<sup>rd</sup> letter was in fact received by the client. It was sent in the normal post and there is no reason to believe it was not delivered.
- The Panel must determine whether he is a fit and proper to hold a private hire drivers licence. In making that decision the Panel takes into account all of the above but in addition has regard to public safety which is paramount.
- The Dept for Transport Statutory Standards 2020 includes advice to passengers for staying safe- this includes recognising the difference between a taxi and private hire vehicle and what a private hire vehicle should look like e.g. signage, licence plates. The client's removal of signage goes against this guidance and puts the public safety at risk.
- The signage is required to enable accurate tracing of the vehicle and driver. Again this is significant for public safety.
- When asked by the Panel if he knew the reason for having signage on the vehicle he stated it was for passenger and driver safety.
- The Panel found that the client was either unwilling or unable to comply with either the conditions of the licence or the requests and warnings of the licensing authority to re affix the signage and attend for inspections.
- Because of this the Panel found that he is not a fit and proper person to hold a private hire drivers licence
- Because public safety is paramount the Panel find that the suspension should take immediate effect in the interests of public safety.

## **LSP.288 APPLICATIONS FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

### **Applicant 18/2020**

The Executive Director (Operations) submitted a report relating to Licence Holder 18/2020 who attended the meeting. 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 has held a private hire driver's licences since 6th August 2003. His most recent Private Hire Driver's licence commenced on the 4th October 2017 and expired on the 3rd October 2020. Following the expiry of this current drivers licence he submitted a new online application for the grant of a private hire driver's licence on the 9th October 2020. As part of the application applicants should "include all convictions that you may have including motoring convictions".

When a licensing advisor used the DVLA's online portal to check the client's driving licence the following conviction was found which corroborated the applicants declaration on his application:

SP30 - Exceeding statutory speed limit on a public road	03/07/2019	03/07/2022	Licence endorsed with 3 points Fixed Penalty Notice
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**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.

This client was subsequently contacted by a licensing enforcement officer. He explained that he was caught by a speed enforcement camera and received notification by post. He stated that he failed to respond to this original notification as he was waiting to find out whether he would be punished by way of points or a speed awareness course. This applicant claims he was never informed and he was subsequently notified that the fine had increased to over £300. He accepted and paid that fine. The applicant accepts he is wholly responsible for the speeding offence and stated that he forgot that he was under a duty to inform the licensing service of the motoring offence. He apologised for not notifying the service.

**Delegated decision:**

The Panel carefully considered the report, the additional documentation and oral representations by licence holder 16/2020 and 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, refuse the Licence application.**

The Panel noted that;

- The applicant's private hire licence expired on 3 October 2020
- During the period of that licence he should have told the licensing authority about a FPN he received for speeding from July 2019.
- Condition 13 of his licence states all motoring offences should be declared to the authority and the Policy clearly states that this includes FPN's.
- The applicant stated that he forgot
- It was noted that he had 4 previous warnings/complaints on his licence record. The Panel took note of those.
- This was therefore the 5<sup>th</sup> matter where the Applicant had shown non-compliance with conditions or road traffic law.
- The applicant had held a private hire driver's licence for 17 years in total so it is reasonable to expect him to know the conditions on his licence. Each driver has a copy of them.
- By failing to declare the FPN within 7 days in accordance with Condition 13 the applicant has shown that he is either unwilling or unable to abide by the conditions expected of a private hire driver. The conditions are imposed to ensure that the licensing authority can monitor the driver's record and ensure public safety.
- For that reason the Panel find that he is not a fit and proper person to hold such a licence.

**Applicant 19/2020**

The applicant had attempted to gain access to the meeting and was then not contactable. The panel made the decision to adjourn, and move this item for consideration at the next panel meeting on the 26<sup>th</sup> November 2020.

**It was agreed:**

This application be considered on the 26<sup>th</sup> November 2020.

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

**(Note: The meeting started at 1.00 pm and ended at 2.56 pm)**