

<b>Minutes of:</b>	<b>LICENSING AND SAFETY PANEL</b>
<b>Date of Meeting:</b>	12 October 2016
<b>Present:</b>	Councillor D Jones (in the Chair), Councillors: P Adams, N Bayley, I Bevan , J Grimshaw, R Hodgkinson, J Kelly, A McKay Sarah Southworth, J Walker and S Wright
<b>Apologies for absence:</b>	Councillors O Kersh (cl), G Keeley
<b>Public Attendance:</b>	There were no members of the public in attendance

### **LSP.322     DECLARATIONS OF INTEREST**

There were no declarations of interest raised in relation to any items on the agenda.

### **LSP.323     MINUTES**

#### **Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 1 September 2016, be approved as a correct record and signed by the Chair.

### **LSP.324     PUBLIC QUESTION TIME**

There were no members of the public present to ask questions under this item.

### **LSP.325     OPERATIONAL REPORT**

The Assistant Director (Localities) submitted a report advising Members on operational issues within the Licensing Service.

The report set out updates in respect of the following issues:

- Driver Assessments
- Premise Licence Review in relation to the Alt House, 1-3 Moss Lane Prestwich
- Outcome of appeals in relation to Bellini and La Capannina

The Licensing Unit Manager informed the members that a progress report in relation to the pre-requisite assessments in relation to applications to become a Hackney Carriage / Private Hire driver would be presented at the December Licensing and Safety Panel meeting.

#### **It was agreed:**

That the report be noted.

**LSP.326 DRIVING SKILLS ASSESSMENT**

The Assistant Director (Localities) submitted a report relating to a proposal to consider providers who will undertake the pre-requisite assessment in respect of driving skills in relation to all new applications received by Bury council for the grant of a Hackney Carriage/Private Hire Driver Licence. The Local Government (Miscellaneous Provisions) Act 1976 allows Local Authorities to use such criteria as they deem appropriate to determine if Applicants are 'fit and proper' before granting a Hackney Carriage/Private Hire Driver Licence.

**It was agreed:**

To delegate to the Head of Service (Trading Standards and Licensing), following consultation with the Chairman of the Licensing and safety Panel, to approve alternative providers to carry out the Driver assessment.

**LSP.327 URGENT BUSINESS**

There was no urgent business reported.

**LSP.328 EXCLUSION OF THE PRESS AND PUBLIC**

**Delegated decision:**

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.329 SUSPENSION/REVOCATION OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

**(E)**

In respect of Applicant 30/2016, a request was submitted by the Applicant's Solicitor that the hearing is adjourned until a later date, due to personal circumstances. It was reported that the request had been granted by the Chair of the Licensing and Safety Panel.

**LSP.330 APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

**(E)**

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) regarding applications for Public/Private Hire Vehicles Drivers' Licences.

The Applicants were invited to attend the meeting for separate hearings and the Chair outlined the procedure to be followed. The Applicants were invited to address the Panel separately on their applications and any matters referred to in the Officer's report.

1. Applicant 27/2016 withdrew the application prior to the meeting.
2. Applicant 28/2016 attended the meeting and was represented by his Legal Representative and Uncle, Mr Khan and supported by his father. The report was read by the Licensing Unit Manager and was accepted by the Applicant and his representative.

Mr Khan addressed the Panel and explained that the Applicant was remorseful for his previous convictions for driving a motor vehicle with excess alcohol in 2005, 2008 and 2012 and a further conviction in 2012 of driving a vehicle whilst uninsured, all of which had resulted in fines, costs and disqualifications from driving, but that circumstances within the family had changed the Applicant significantly following the tragic death of his brother last year.

The Applicant also addressed the Panel and stated that he regretted his previous actions but that things personally had changed dramatically following his brother's death. The Applicant explained that he no longer drank any alcohol and was now responsible for his own and his brother's 4 children and he was the main provider financially. He currently worked as a courier, 9 hours a day five days a week. To be a Private Hire Vehicle driver would give him the flexibility to spend more time with his own children and his brother's.

The Applicant's father also addressed the Panel to confirm this was now the case and his representative presented to the Panel a number of character references.

#### **Delegated decision:**

The Panel carefully considered the written report and the oral representations made by the Applicant, his representative and the Applicant's father and taking into account the Council's Conviction Policy and Guidelines, in accordance with the Local Government (Miscellaneous Provisions) Act 1976 the Panel determined that Applicant 28/2016 was a fit and proper person and resolved to **grant the application for a Private Hire Driver's Licence.**

3. Applicant 29/2016 attended the meeting and was unaccompanied. The report was read by the Licensing Unit Manager and was accepted by the Applicant.

The Applicant addressed the Panel and explained that the conviction in June 2014 of selling alcohol to a person under the age of 18 years was when he was, at that time, the Manager of a licensed convenience store in Southampton. He was working alone one evening trying to get ready to close but there was a queue prior to closing time and he was rushing to finish.

The Applicant explained he had never been in any trouble previously and this incident had made him depressed.

He had also undergone surgery which has since prevented him from working and he needed to work now to provide financially for his family.

**Delegated decision:**

The Panel carefully considered the written report and the oral representations made by the Applicant and taking into account the Council's Conviction Policy and Guidelines, in accordance with the Local Government (Miscellaneous Provisions) Act 1976 the Panel determined that Applicant 28/2016 was a fit and proper person and resolved to **grant the application for a Private Hire Driver's Licence.**

**COUNCILLOR D JONES**

**CHAIR**

**(Note: The meeting started at 7.00 pm and finished at 8.15 pm)**