

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	4 November 2013
Present:	Councillor D Jones (In the Chair) Councillors: N Bayley, D M Cassidy, J Grimshaw, T Holt, A K Matthews, A Quinn, S Southworth, B Vincent and J F Walton
Apologies for absence:	Councillors: I Bevan and T Pickstone
Public Attendance:	There were 6 members of public present at the meeting

LSP.462 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to any items considered at the meeting.

LSP.463 MINUTES OF THE LAST MEETING

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 10 October 2013, be approved as a correct record and signed by the Chair.

LSP.464 PUBLIC QUESTION TIME

Mr Charles Oakes of the Hackney Drivers' Association Ltd, addressed the Licensing and Safety Panel in relation to a statement submitted on behalf of the Hackney Drivers of Bury, requesting that the '5 fault rule' policy be withdrawn and replaced with a policy whereby carriages will not be licensed beyond 15 years of age. Mr Oakes also requested more testing stations and a further taxi rank to be located on Market Street.

Mr Oakes stated that it was discriminatory to the Hackney Drivers regarding the 5 fault rule as the Private Hire Drivers were not governed by the same policy.

The Head of Commercial and Licensing, Mr Johnson, reported that Mr Oakes' statement had been included with the operational report, which had been issued to members of the Licensing and Safety Panel prior to the meeting.

Mr Johnson stated that the issue regarding the 5 fault rule maybe better discussed at the next taxi trade forum which was due to be held on 3 December 2013. However, he reminded the Licensing and Safety Panel

Members that a report had previously been considered by the Panel on the 5 fault rule on 10 June 2013, relating to the testing of Hackney Carriage vehicles over 10 years old. The members of the Hackney Drivers' Association had at that time requested that the 5 fault rule be reconsidered and amended so as to allow vehicles which fail to meet the defined criteria to continue to be licensed subject to other proposals from the trade. These proposals were rejected by the Licensing and Safety Panel at that time, who resolved to amend the 5 fault rule so as to make passing the test more achievable in respect of bodywork and paintwork damage. The Panel also resolved to extend the rule so as to make it applicable to all Hackney Carriages over 6 years old from the date of first registration. Mr Johnson also noted that the rule for the Private Hire trade is that vehicles over 10 years of age must be of 'exceptional condition' which he stated was effectively showroom condition.

In relation to the issue of further testing stations, Mr Johnson stated that the members of the Licensing and Safety Panel had agreed to one station on many occasions but this issue could again be considered if members so requested.

Mr Johnson also reported, that in relation to further taxi ranks, it was currently being considered favourably, that for a trial period, a rank would be located outside the Art Picture house on Haymarket Street. There had been some opposition from Greater Manchester Transport regarding this as the rank would be opposite the bus interchange, however, it was hoped that a trial period would ensue. Mr Oakes acknowledged and welcomed the trial of the further rank.

Mr Afzal, a Hackney Carriage driver, stated that he had been driving taxis in Bury for 15 years but that now the trade were suffering under the 5 fault rule and Mr Oakes stated that it had been unanimously agreed at a meeting of the Hackney Drivers, that further action would be taken if the 5 fault rule was not withdrawn.

The Chair, Councillor Jones, stated that all policies are continuously reviewed by Officers and Elected members and further discussion on the 5 fault rule would take place on 3 December at the taxi trade forum, where the issue of the difference between the Hackney Carriage and Private Hire policies would be considered.

A Hackney Carriage Driver addressed the Licensing and Safety Panel regarding the issue of Private Hire vehicles stopping for long periods of time on the Hackney Carriage taxi ranks and plying for trade.

The Chair asked if there was any evidence, i.e. number plates, of these vehicles in which they could be investigated and that it was important to acquire this information.

Mr Oakes stated that he regularly took pictures of these vehicles and

reported them to the Licensing office but no action was taken. He stated that the Hackney Carriage taxi drivers needed support and consideration on all the issues raised as they were having a detrimental effect on the drivers and the trade. Councillor Jones explained that all of the issues would be discussed at the taxi trade forum on 3 December 2013. This was agreed by Members.

Mr Gerry Kelly, the Deputy Licensing Officer, stated that Officers regularly go out and check when passengers are dropped off or collected, that there is evidence of pre-booking and pointed out there is little that can be done if the evidence exists.

LSP.465 OPERATIONAL REPORT

The Assistant Director (Localities) submitted a report setting out an update on operational issues within the licensing service, including:

- The prosecution of an illegal street trader who was trading during the music event held at Heaton Park on 7 June 2013. The trader was found guilty and was fined £140.00 plus £20.00 victim surcharge and the Council was awarded £325.00 costs.
- An application was made to the Head of Commercial and Licensing on 17 October 2013, following consultation with the Chair of the Licensing and Safety Panel, Councillor Jones, to immediately revoke an individual's Private Hire Driver's Licence due to information that had been received from Greater Manchester Police in relation to indecency. The application was granted.

Delegated decision:

That the report be noted.

LSP.466 URGENT BUSINESS

There was no urgent business reported at the meeting.

LSP.467 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.468 PROPOSED SUSPENSION/REVOCATION OF PRIVATE HIRE DRIVERS' LICENCES

Note: Councillor Holt joined the meeting.

Client 14/2013 withdrew their application prior to the meeting.

The Deputy Licensing Officer presented a report submitted by the Assistant Director (Localities) on the proposed suspension/revocation of a Private Hire Driver's Licence.

The licence holder was invited into the meeting room for their hearing and the Chair outlined the procedure to be followed. The Deputy Licensing Officer read out the contents of the report which was accepted by the licence holder.

The licence holder, who was supported by a family member, took the opportunity, to address the Panel.

Delegated decision:

Upon considering the written report, the oral representations made by the licence holder and the family member and taking account of relevant policy and guidance, and in particular the Council's Conviction Guidelines, the Panel, whilst acknowledging the continuous provocation to the driver and family, highlighted the fact that the driver had been convicted of an offence involving violence and that the expectation of the Council is that licence holders maintain the highest standards of public safety, trust and conduct.

Therefore, the panel resolved, unanimously, to **suspend the licence holder identified as 15/2013 for one month.**

The licence holder was advised of their right of appeal within 21 days of notification to the Magistrates' Court.

LSP.469 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES

The Deputy Licensing Officer 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. The Chair outlined the procedure to be followed and the applicants were invited to address the Panel separately on their applications and any matters referred to in the Officer's report. The Deputy Licensing Officer read out the contents of each report which were accepted by the applicants.

Delegated decisions:

1. That after careful consideration of all the representations and evidence and taking into account the Council's Conviction guidelines, the application for a Private Hire Driver's Licence by applicant 12/2013, who was accompanied by a representative of Magnum Whiteline taxis, be **granted for a 6 month period**.

The Panel acknowledged the circumstances at the time of the convictions and although both incidents were considered serious, were both over five years previously and the applicant showed remorse for his actions. The representative of Magnum Whiteline taxis stated that he would be willing to offer the applicant employment.

The Panel requested that the Licensing department extend the licence period subject to no issues being brought to light during the 6 month period.

2. That after careful consideration of the representations submitted and taking into account the Council's conviction Guidelines, the application for a Private Hire Driver's Licence by applicant 13/2013 be **approved**. The Panel determined the applicant to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976.

**COUNCILLOR JONES
CHAIR**

Please note: The meeting started at 7.00 pm and finished at 8.30 pm