

Minutes of: **LICENSING AND SAFETY PANEL**

Date of Meeting: 5 March 2020

Present: Councillor T Rafiq (in the Chair)
Councillors C Cummins, J Grimshaw, C Morris, M Smith,
C Walsh and S Wright

Also in attendance:

Janet Witkowski – Head of Legal Services
Michael Bridge - Licensing Unit Manager
Angela Lomax - Head of Service (Training Standards and
Licensing)
Darren Smith – Head of Transport and Workshop
Donna Ball – Executive Director (Operations)
Chloe Ashworth – Democratic Services

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

Apologies for Absence: Councillor B Mortenson

LSP.1 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.2 MINUTES OF THE LAST MEETING

1. That the Minutes of the Meeting held on 09 January 2020 be approved as a correct record and signed by the Chair.

LSP.3 PUBLIC QUESTION TIME

Mr Charles Oakes, Chair of the Hackney Carriage Drivers Association asked for reassurance that all elected members present had read the reports appended to agenda item 6 – Vehicle Resting Manual Following the Consultation. All members assured Mr Oakes they have read all documents on the agenda.

Mr Ali raised a question in relation to agenda item 6 – Vehicle Resting Manual Following the Consultation. He asked if a paper MOT certificate could be supplied as other Councils do. Darren Smith, Head of Transport and Workshop advised that whilst he cannot comment on other Councils practice he did advise this may cause complications with vehicles who pass MOT standard but not the further compliance checks. It is something that can be considered under future service delivery but it will incur a cost should it be possible.

Muhammad Sajjad, Secretary Bury Private Hire Drivers Association informed the Committee he is thankful and satisfied with the online booking facility now developed but questioned the fees of replacement items at MOT's and Services. Michael Bridge advised that recently Bury Council has gone out to tender and feedback is expected on the 01st April 2020. Mohammed also raised a supplementary issue regarding this matter being raised by email to Angela Lomax Head of Trading Standards and Licensing and she apologised that this had been

missed and assured a response would be sent within one calendar date regarding this enquiry.

Mr Ali raised a further question in relation to the public consultation for Item 6 on the agenda. He advised the committee he submitted a further response after the closing date a questioned why this was possible. He was advised by the Chair of the Committee and Officers that this link was still live so it could provide responders with access to view what they had submitted, however no responses after the deadline were counted.

Mr Ali raised a further statement and question regarding legislation that permits other drivers to operate within the Borough of Bury but be registered and take their tests elsewhere. Whilst panel members sympathised with the point made it was acknowledged this is an issue across the Country not just Bury. Efforts are being made to support locally registered private hire vehicles with an example being a marketing campaign to encourage the public to use Bury Taxi's due to the enhanced compliance and quality checks and the safety and high standard of the vehicles.

LSP.4 OPERATIONAL REPORT

The Executive Director of Operation submitted a report advising Members on operational issues within the Licensing Service.

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

Executive Member/Chair of Licensing Panel Meeting Event – 28th February 2020

The Head of Trading Standards & Licensing, Executive Members and Councillor Rafiq attended an event ran by the Greater Manchester Combined Authority, Transport for Greater Manchester and the Greater Manchester Licensing Network on the 28th February 2020.

Purple Flag Assessment

Bury Council have been successful in gaining the Purple Flag Accreditation for the 5th consecutive year following officers of the licensing team working with other colleagues within the Council to prepare for the external assessment undertaken by the Association of Town Centre Managers for the Purple Flag accreditation. The external assessment took place on the 16th November 2019.

Bradley Fold

On the 29th January 2020, the testing of licensed hackney carriage and private hire vehicles returned to Bradley Fold following the fire in February 2019.

Immediate Revocation of a Private Hire Drivers/Hackney Carriage Drivers Licence

On the 28th January 2020, the Licensing Service received a complaint about the conduct of a private hire driver.

On the 29th January 2020; the licensing service received another complaint from Greater Manchester Police that this driver had been released under investigation for another incident which occurred on 21st January 2020.

On the 29th January 2020; the licensing service received written communication from Rochdale Council that this driver had previously held a Private Hire drivers badge with Rochdale Borough Council before it was revoked in February 2019 following the receipt of allegations similar to those mentioned above. This was not disclosed to Bury Council's Licensing Service.

The Head of Service for Trading Standards and Licensing in consultation with the Chairman of the Licensing and Safety Panel decided to revoke the driver's private hire drivers licence with immediate effect on the grounds of public safety.

Mandatory Safeguarding Training

Members should be aware that on the 7th March 2019, they considered a report regarding the implementation of mandatory safeguarding training for all new applicants as a pre-requisite prior to application and that existing drivers would be required to undertake the training within 12 months of the implementation date. The approved supplier Personnel Checks have run numerous sessions over the last 12 months. Members agreed that this should be implemented

During the 12 month period the Licensing Service have been contacting the existing drivers by letter and telephone calls to ensure that they undertake the mandatory training.

Personnel Checks are running a final session on the 17th March 2020 for those drivers who have not undertaken the training.

Once this session has taken place, the Licensing Service will review the licensing database to ascertain who has not undertaken the mandatory safeguarding training, those who are identified will be put before a meeting of the Licensing and Safety Panel to consideration as to their suitability to hold their Hackney Carriage and/or Private hire Drivers Badge in the future.

Request from Hackney Carriage Drivers Association

The Licensing Service have received a request from the Hackney Carriage Drivers Association to review the Hackney Carriage Fare Table. This request is currently being progressed through the Council's Governance process.

It was agreed:

That the report be noted.

LSP.5 VEHICLE TESTING MANUAL FOLLOWING THE CONSULTATION

The Executive Director of Operations submitted a report relating to the testing of Hackney Carriage and Private Hire vehicles and the introduction of a vehicle inspection manual that confirms the standard required to pass the vehicle test.

Questions were raised regarding the total figures for checks undertaken, how many passed and how many failed and the following was resolved:

During the period 28/1/19 to 28/1/20 the number of tests undertaken was 2970. Of those 1872 passed and 856 failed. Further outcomes state 40 had no recorded result, 45 are awaiting results and 157 failed to attend. In terms of retests 839 were undertaken with 623 failing on 0-3 faults (this incurs no charge), 209 on 4-9 faults (£25 charge) and 7 on 10+ faults (incurring the full test fee).

A Breakdown of faults was also provided:

Number of faults	
0	7
1	272
2	179
3	169
4	78
5	46
6	35
7	27
8	8
9	11
10	4
11	2
12	1
No figure entered	17

A further question was raised on how many fail on MOT checks and how many fail due to the enhanced compliance checks. Michael Bridge advised he will report back on this at a later date.

Committee members raised the importance of safety, comfort and cleanliness all of which are addressed through the enhanced checks which support a Bury Standard of local Private Hire Vehicles.

It was concluded that the intention the document was to clean up any ambiguity surrounding checks and results along with ensuring cars are meeting Bury Standards.

It was agreed:

1. The Vehicle Testing Manual to be reviewed in 12 months' time
2. Upon review to also present a breakdown on failure reason following a 12 month review

3. To implement the proposed vehicle inspection manual as proposed.

LSP.6 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.7 SUSPENSION/ REVOCATION OF PRIVATE HIRE DRIVER LICENCE

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

Applicant 18/2019 attended the meeting and was accompanied by Mr Charles Oakes, Chair of the Hackney Carriage Drivers Association.

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 held private hire drivers licenses since 13th July 2011. However records show the applicant has not held his badge concurrently and there has been short periods between the issuing of each licence. The Applicant's licence was issued for three years on the 21/11/2016 and expired on the 22/11/2019. Therefore the applicant attended the Licensing Service to renew his private hire driver's licence on the 20/11/2019. He completed a renewal application form on which he stated that since his last application he had not incurred any convictions, fines or police cautions. He did not have his DBS certificate with him. The licensing advisor carried out an online check of this drivers DVLA driving licence and the following two convictions became apparent; MS90 – failure to identify the driver of a vehicle and SP30 resulting in 6 penalty points and a £660 fine and Exceeding statutory speed limit on a public road which resulted in 3 points and a £220 fine.

The Applicant did not notify the Service of the offences as required by the Private Hire driver licence conditions, which should have done so within 7 days.

The applicant addressed the Panel and explained that following a bereavement he went away on a spiritual journey abroad (for over 1 year). Before going abroad he was aware of the speeding fine, however, was intending to undertake the voluntary course to reduce this penalty. The applicant then concluded that due to being away he forgot to attend a course and thus incurred the full fine and points as shown above. The applicant stated he did contact the Licensing Service by phone whilst abroad and was informed nothing further was required. The Licensing Unit Manager explained that there is no audit trail or record of this on the file and it is not protocol to take this information over the phone, it must be in writing as specified in the terms and conditions.

When asked why he had not declared the offences in writing or on the new application, the Applicant explained that it has been a busy time for him being abroad, getting married and now expecting his first child. He also advised no one checked the multiple letters he received whilst abroad and it therefore slipped his mind.

Delegated decision:

The Panel carefully considered the report, the oral representations by the Applicant and his representative 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 18/2019 be refused.**

The Panel noted;

- that the convictions were not declared in writing within 7 days
- that the Applicant had failed to declare them again on the renewal of his license application
- that the Applicant had multiple variations of when he was aware of the convictions

COUNCILLOR T RAFIQ
Chair

(Note: The meeting started at 7.00 pm and ended at 9.40 pm)