

Minutes of: LICENSING AND SAFETY PANEL

Date of Meeting: 04th June 2020

Present: Councillor S Walmsley (in the Chair)
Councillors T Holt, J Grimshaw, S Hurst, I Schofield,
Sarah Southworth,

Also in attendance:
Janet Witkowski – Head of Legal Services
Michael Bridge - Licensing Unit Manager
Angela Lomax - Head of Service (Training Standards
and Licensing)
Chloe Ashworth – Democratic Services

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

Apologies for Absence: Councillor C Morris, M Smith, C Walsh, S Wright, Y
Wright, G Keeley and K Leach.

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 05th March 2020 be approved as a correct record and signed by the Chair.

LSP.3 PUBLIC QUESTION TIME

None.

LSP.4 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.5 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 19/2019 attended the meeting and was accompanied by a representative, Mr Raja Haider.

The Chair made introductions and Janet Witkowski, Head 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. The report, which was accepted by the Applicant, explained that the client held a private hire drivers license since 03/06/2016 and renewed on the 03/06/19. On 27/01/2020 the Deputy Licensing Officer received an email from Uber to inform us that they had deactivated their partnership with the client. The Deputy Licensing Officer requested further information as to the reason for this and was informed it was due to a pattern of concerning reports regarding poor / dangerous driving. The Deputy Licensing Officer requested details of the complaints and was provided with information on three complaints on 28/12/2019, 30/12/19 and 15/01/20. As a result of these three complaints, Uber advised that they deactivated their partnership with the client on 16/01/20.

The Deputy Licensing Officer then received a further complaint that on 01/02/20 that the applicant's vehicle was in front and made as if it was going to turn and then pulled back out into traffic nearly causing a collision. It did this on three occasions before finally pulling into a side road.

The applicant claims that the car used is a Nissan Leaf which has an E-break, this vehicle when the accelerator is depressed automatically applies the breaks and this is why the applicant believes the customer has wrote that he was breaking excessively.

In defence of the second complaint on the 30th December 2019, the applicant states that it was not a dual carriageway but instead it was a single carriage way and there was no reasonable option other than to turn back onto the original road he entered.

In relation to the final complaint on the 15th of January 2020 the applicant stated he did use his signals and mirrors and attempted to turn back onto the road

Finally, in addition to the above points the applicant showed the ratings received from the jobs undertaken through Uber in which 169 people out of 180 have rated the applicant as a 5 star driver

Delegated decision:

The Panel carefully considered the report, the oral representations by the Applicant and his representative and after taking into account Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously, **to suspend the licence for four months and request that the driver attend Driving Standards Course within the proceeding 12 month period.**

The Panel noted;

- that the Applicant did have contradicting allegations regarding the termination of his Uber contract
- Clearly demonstrated poor driving on occasions and therefore should undergo additional training

APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE NEW

Applicant 20/2019

Applicant 20/2019 withdrew from the meeting and choose not to pursue a License at this moment in time.

Applicant 21/2019

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

Applicant 21/2019 attended the meeting and was accompanied by a representative, Mr Mohammed Ahmed.

The Chair made introductions and Janet Witkowski, Head 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. The report, which was accepted by the Applicant, explained that the client held a private hire drivers licenses since 26/02/2015 and had renewed his licence annually until its revocation on 18th January 2018. Information received from Greater Manchester Police on 19/12/17 revealed that this client received a conviction of Possession of a Class A drug which he has not disclosed to the Licensing Section within 7 days as he is obliged to under his private hire drivers licence conditions

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's representative addressed the Panel and explained that the applicant has had a turbulent childhood, is recently married and made a decision to improve himself. He stated he has stopped using drugs and in light of the current pandemic could he renew is licence earlier to financially support himself. It was clarified that since 2017 he has had no further issues and has worked hard until the pandemic had adverse effects on his employment.

When asked why he had not declared the offences he stated that he believed they would show up on his next renewal and he believed he was not obtaining the correct advice due to his naivety

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 21/2019 be granted for a 12 month period.**

The Panel noted;

- that the Applicant is remorseful
- he was asking to renew early due to the pandemic affecting his current income
- is no longer using drugs

Applicant 22/2019

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

Applicant 22/2019 attended the meeting alone.

The Chair made introductions and Janet Witkowski, Head 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. The report, which was accepted by the Applicant, explained that the client held a private hire drivers licenses since 29/03/2016. On the 21st April 2017 a complaint was received from a member of the public. The driver refused to take three blind people and a guide dog and was notified prior to the pickup. He attended Manchester Magistrates Court and pleaded guilty to an offence under section 170 (3) of the Equality Act 2010. Section 170 (3) and was sentenced.

The applicant stated he has a phobia of dogs from being bit by one as a child. He did advise the panel he is taking steps to cure his fear by spending time with neighbour's dogs and is getting better in his interaction with dogs. He advised he was unaware it was a guide dog which he was required to take and advised if he knew he would have conducted the journey. This point was questions by the Licensing Unit Manager as he was told that the pickup would be from Bury Blind Society.

Delegated decision:

The Panel carefully considered the report, the oral representation by the Applicant and after taking into account the complaints resolved, unanimously, that the **application for a Private Hire driver's licence by Applicant 22/2019 be granted for a 12 month period.**

The Panel noted;

- that the Applicant is apologetic for his actions
- is taking steps to improve his confidence around dogs
- has agreed he would now take guide dogs in his vehicle.

Applicant 23/2019

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

Applicant 23/2019 attended the meeting alone.

The Chair made introductions and Janet Witkowski, Head 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. The report, which was accepted by the Applicant, explained that the client held a private hire drivers licenses since 16th October 2015 which was his first licence with Bury Council. It was granted for a three year period.

To facilitate continuity within the Licensing Service he was given a temporary licence on 16th October 2018 which was valid for a period of 3 months and expired on 15th January 2019. It was never physically given to the client as a result of the aforementioned 4 month suspension. The licence was issued on technical grounds and enabled the Licensing Service to suspend his badge until such time as his DVLA driving licence was reinstated.

This client's temporary badge expired on the 15th January 2019. The Licensing Service had no further contact with this client until 11th April 2019 when he attempted to apply for a Private Hire Drivers licence. He was advised that due to the lapse between January and April that he would need to be considered as a new applicant.

Delegated decision:

The Panel carefully considered the report, the oral representation by the Applicant and after taking into account the complaints resolved, unanimously, that the **application for a Private Hire driver's licence by Applicant 23/2019 be granted for a 12 month period.**

The Panel noted;

- that the Applicant has not been driving as a taxi driver for 18 months
- the Applicant is remorseful

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 13:14 am and ended at 15:44)