

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	3 April 2014
Present:	Councillor D Jones (In the Chair) Councillors: N Bayley, I Bevan, D M Cassidy, P Heneghan, A K Matthews, A Quinn, S Southworth, B Vincent and J F Walton
Apologies for absence:	Councillors: J Grimshaw, T Holt and T Pickstone
Public Attendance:	There were no members of public present at the meeting

Before the start of the meeting, the Chair, Councillor Jones, informed the Members of the Licensing and Safety Panel that there would be an additional meeting of this Committee to be held on 8 May 2014, before the end of the Municipal year.

Councillor Jones also welcomed Councillor Heneghan as a new Member to the Licensing and Safety Panel.

LSP.945 DECLARATIONS OF INTEREST

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

LSP.946 MINUTES OF THE LAST MEETING

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 4 March 2014, be approved as a correct record and signed by the Chair.

LSP.947 PUBLIC QUESTION TIME

There were no questions raised under this item.
Councillor Jones informed the Committee that the next Taxi Liaison meeting would take place on 30 April 2014 and Members would be updated at the next meeting of the Licensing and Safety Panel on the discussions of this meeting.

LSP.948 URGENT BUSINESS

There was no urgent business to report at the meeting.

LSP.949 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.950 APPLICATIONS FOR PUBLIC/ PRIVATE HIRE DRIVERS' LICENCES

The Assistant Director (Localities) submitted a report regarding applications for Public/Private Hire Vehicles Drivers' Licences.

The Licensing 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. 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 Licensing Manager read out the contents of each report which were accepted by the applicants.

1. The Applicant 08/2014 who was unrepresented, was invited to address the Panel. He explained that he had previously been a bus driver and made a mistake by driving whilst under the influence of alcohol. Since the return of his licence he had driven professionally and now wanted to be a Private Hire Driver. He further stated he had no points on his licence and had never been convicted of any other offence.

Delegated decision:

The Panel carefully considered all the representations and evidence submitted and taking into account the Council's Conviction Guidelines, the Panel found that:

- The offence had been committed 6 years ago.
- The Applicant realised his mistake and the effect it had on him.
- The Applicant had been driving since the return of his licence in December 2009.
- The Applicant had no further endorsements or convictions.

The Panel therefore determined the applicant to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and the application for a Private Hire Driver's Licence was **granted**.

2. The Applicant 09/2014 who was represented by Mr Tariq, was invited to address the Panel. It was explained that the offence for which the Applicant was cautioned was committed almost 5 years ago and resulted from a misunderstanding with the Police as to the registration details of the vehicle the Applicant was driving. The police had stopped the Applicant in a vehicle and had checked the wrong registration details. This had suggested the vehicle he was driving was uninsured. This led to a dispute and the Applicant was arrested. When the mistake was realised, he was released but cautioned for his actions towards the police. The Applicant stated he regretted his actions.

Delegated decision:

The Panel carefully considered all the representations and evidence submitted and taking into account the Council's Conviction Guidelines, the Panel found that:

- The offence had been committed almost 5 years ago.
- The Applicant realised his mistake and showed remorse.
- The Applicant had no further endorsements or convictions.

The Panel therefore determined the applicant to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and the application for a Private Hire Driver's Licence was **granted**.

3. The Applicant 10/2014 attended the hearing and was represented by his solicitor, Mr Khan, from Adamson's Solicitors and was also accompanied by a character witness.

Prior to the report being read by the Licensing Manager, he pointed out that the Applicant had not in fact declared all of his convictions, but only the first one listed.

Mr Khan then addressed the Panel on behalf of the Applicant and explained separately each of the offences for which the Applicant had been convicted. He explained that each had been committed during a bad phase in the Applicant's life when his was with the 'wrong crowd' and intoxicated and he was very sorry for his actions.

In relation to the 3 separate offences of theft on 24 December 2011, Mr Khan explained that the Applicant had been handed the mobile phones in question and that he had put them in his pocket; he had not stolen them directly. He had been seen by security and was stopped and arrested.

In relation to the breach of a conditional discharge on 24 December 2011, Mr Khan explained that the Applicant had to go to Pakistan as his father was ill, however he had not given the Probation Officer his date of return and he was out of the country for longer than expected.

In relation to the failure to comply with the requirement of a community order resulting from the original conviction on 10 January 2012, Mr Khan explained that the Applicant had produced a medical note to Bury Magistrates' Court following an operation on his jaw because of a problem tooth and the order was revoked.

Mr Khan reported that the Applicant had since moved away from the Bury and Bolton area to Newcastle in order to start a new life. He had been working as a delivery driver at Dominoes Pizza and a character reference was read out to the Members of the Licensing and Safety

Panel from the Manager which stated that the Applicant was highly respected and a model employee.

The character witness who accompanied the Applicant stated that she had regularly used taxis driven by the Applicant and on one occasion had left her phone in the taxi, which the Applicant had returned to her. The witness stated she had been out with the Applicant when the first theft incident had taken place and that the witness had advised the Applicant to move away from the area. The witness confirmed that the Applicant had moved away from the area, was still working in Newcastle and had redeemed himself.

Mr Khan stated that the Applicant was very remorseful for his past and now needed the opportunity to prove himself and return to the profession he was familiar with to make something of his life.

Delegated decision:

The Panel carefully considered all the representations and evidence submitted and taking into account the Council's Conviction Guidelines, the Panel found that:

- the offences for which the Applicant had been convicted and sentenced were of a serious nature,
- the facts surrounding the commission of the offences were of concern particularly as they involved alcohol and took place during the early hours of the morning,
- there had been a short time since these offences had been committed and sentenced and in particular the fact that the conviction date of the last offence was within the last 2 years,
- the classification of convictions for theft within the Council's Conviction Guidelines is as 'offences of dishonesty', and that such offences will generally result in the application being refused if the conviction for an offence is less than 3 years prior to the date of application
- there was a risk the Applicant may fall back with the 'wrong crowd' referred to upon his return to the area.

The Panel therefore determined that applicant 10/2014 was not a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976, to hold a Licence and the application for a Private Hire Driver's Licence was therefore **refused**.

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

4. The Applicant 11/2014 who was unrepresented, was invited to address the Panel. He explained that he had been to a New Year Eve party and had acted stupidly in moving a friend's vehicle to a nearby car park, because the friend was too drunk to drive. He himself was over the legal limit and was stopped by the police.

Delegated decision:

The Panel carefully considered all the representations and evidence submitted and taking into account the Council's Conviction Guidelines, the Panel found that:

- The offence had been committed 6 years ago.
- The Applicant realised his mistake and the effect it had on him.
- The Applicant had no further endorsements or convictions.

The Panel therefore determined the applicant to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and the application for a Private Hire Driver's Licence was **granted**.

**COUNCILLOR JONES
CHAIR**

Please note: The meeting started at 7.00 pm and finished at 8.20 pm