

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 8 July 2021

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw, T Holt, J Lewis and G McGill

Also in attendance: Michael Bridge – Licensing Manager
Janet Witkowski – Council Solicitor
Michael Cunliffe – Democratic Services

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

LSP.1 APOLOGIES FOR ABSENCE

Councillors Leach, Rydeheard, M Smith, Walsh, S Wright, Y Wright and Ben Thomson, Head of Public Protection.

LSP.2 DECLARATIONS OF INTEREST

Councillor Walmsley declared a personal interest in the agenda item suspension/ revocation of Private Hire Driver Licence, number 4/2021.
This was due to Councillor Walmsley being a school governor and the driver 4/2021 had obtained a character reference from the Headteacher of the same education establishment.

LSP.3 PUBLIC QUESTION TIME

No public questions were submitted to the meeting.

LSP.4 OPERATIONAL REPORT

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

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

LICENSING AND SAFETY SUB COMMITTEE

A hearing for an application of a Grant of a Premises Licence in respect of the Den, Victoria Mills, Wellington Street, Bury, BL8 2AL to which representations were received from Greater Manchester Police, Greater Manchester Fire and Rescue Service and an Interested Party. The Sub-Committee considered the request for an adjournment by the applicant's solicitor on 9th June 2021. Having heard representations and having received legal advice Members resolved unanimously that the hearing be adjourned to allow extra time for mediation between the responsible authorities and interested parties in the public interest to the 7th July 2021.

The Licensing Unit Manager verbally updated the Committee that the application had been granted at the hearing on 7th July 2021, subject to conditions from both GMP and Greater Manchester Fire and Rescue Service.

COVID MARSHALS

The Covid marshals have been visiting licensed premises during the Euro 2020 tournament to ensure compliance and no issues have been identified.

The Covid marshals have been delivering beermats for the Grab a Jab campaign to encourage members of the public to get a covid vaccine.

The Covid marshals have been undertaking Tack and Trace visits to contacts that the hub have been unable to contact.

BURY SHOW

An officer of the Public Protection Service along with the assistance of the Covid marshals visited Bury Show to ensure that the event was covid compliant. No issues had been identified.

COMPLIANCE VISITS

Officers from the Public Protection Service have undertaken visits on the 29th June 2021 to three off-licences to ensure compliance with the licensing objectives under the Licensing Act 2003.

PARTNERSHIP WORKING WITH GREATER MANCHESTER POLICE

An officer from the Licensing Service has undertaken 9 visits to licensed premises with Greater Manchester Police on the 29th June 2021 to check on procedures the venues have in place for the Euro 2020 football tournament. Advice and guidance have been given to the licence holders.

CHANGES TO WEBSITE AND ON-LINE APPLICATIONS

Following the last meeting of the Licensing and Safety Committee, the Licensing service have reviewed the Council's website and the online applications forms in relation to declaring convictions, fixed penalties in respect of motoring convictions. This information has now been passed to the relevant section to implement the changes.

It was agreed:

That the report be noted.

LSP.5 URGENT BUSINESS

No urgent business was reported at the meeting.

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

Licence Holder 4/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 4/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those in attendance had read the report. The report, which was accepted by the Licence Holder, was presented by the Licensing Unit Manager and set out the reasons for the Licence Holder being before the Committee.

The report stated that the License Holder had held a private hire driver's licence continually since 11th March 2013 and has a current licence until 17th May 2022. On the 25th May 2021, the Deputy Licensing Officer was notified by Manchester Council Licensing Department, that they had been prosecuted for plying for hire and having no insurance following an exercise they carried out on 14th September 2019 in Manchester City Centre. The Licence Holder pleaded guilty and received a fine of £235, 8 penalty points, was ordered to pay the costs of £433 and a victim surcharge of £35. The Licence holder had failed to notify the Licensing Department within 7 days as per the Private Hire Drivers Licence conditions.

The Licence Holder explained to the Committee that on the 14th of September 2019, 2 males had entered his vehicle and made him feel very uncomfortable. He admitted an error of judgement and concentration. The 2 males were undercover police officers working in conjunction with members of the Greater Manchester Police traffic unit conducting a taxi operation within the city centre.

The License Holder stated he was aware of the licence conditions and had read them when it was first issued. However, he admitted he had made an error and it would not happen again. He referred to concerns as to impact on his family and added that since the incident he had been depressed. He provide a number of character references to the Committee to consider.

Delegated decision:

The Committee carefully considered the report, the additional references and oral representations by the Licence Holder. The Committee noted that the convictions were very serious issue but that there were with exceptional circumstances due to previous good character of the Licence Holder and having already been dealt with via the courts. The Licence Holder had also shown remorse and admitted the offences and his errors on the evening in question.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the

Committee resolved to admonish the Licence Holder as to future conduct and to take no further action.

Licence Holder 7/2021

The Licensing Manager informed the committee that licence holder 7/2021 had requested an adjournment due to being a single parent and had work commitments in another part of the country which had prevented him attending the meeting.

Delegated decision:

That the case be adjourned until the next meeting on the 22nd July.

LSP.8 APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 08/2021

The Executive Director (Operations) submitted a report relating to Applicant 08/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant, was presented by the Licensing Unit Manager and set out the reasons for the Applicant being before the Committee.

The report stated that the Applicant had held a Private driver's licence continuously since 27th March 2009 until its expiry on 4th June 2021. As part of the renewal process, the Applicant submitted an online application which explains that any traffic offences must be declared irrespective of when they occurred. This applicant selected 'no' when asked "Do you have any convictions, fines or formal cautions?" The applicant selected 'yes' when asked "Have you been issued with any fixed Penalty notices?". He then indicated he had been convicted of an offence of speeding in November 2020 and been awarded three points and a £100 fine. This Applicant had therefore failed to declare this motoring conviction within 7 days of the conviction as stipulated in the private hire drivers licence conditions.

The Applicant stated that he accepted the fine and penalty points and informed his insurers straight. However, he advised that due to the pandemic, his hectic life and family stresses he forgot to tell the licensing service. He stated that this was a misunderstanding on his behalf to which he has admitted and he apologised. He also stated that he had not tried to hide the offence and had been working throughout lockdown delivering blood and equipment to hospitals.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. It noted the Applicant's apology and that he had disclosed the conviction in his renewal application.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to renew the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

Licence Holder 09/2021

The Executive Director (Operations) submitted a report relating to Applicant 09/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant, was presented by the Licensing Unit Manager and set out the reasons for the applicant being before the Committee.

The report stated the Applicant had previously held a private hire driver's licence continually since 24th May 2017 until its expiry on the 23rd May 2021. As part of the renewal process the Applicant declared that in August 2020 he had been convicted of speeding for which he was awarded 3 penalty points and was ordered to pay a fine of £100. However, he had failed to declare this motoring conviction within the correct time frame of 7 days from conviction, as stipulated in condition 1 the private hire drivers licence conditions.

The Applicant explained to the Committee that the offence had been committed late at night on the motorway and he had shortly afterwards travelled outside the country due to the death of a relative. When he came back he saw the letter and he forgotten about it due to the pandemic. The Applicant accepted his mistake and apologised.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Applicant. It noted the Applicant's apology and that he had disclosed the conviction in his renewal application.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the committee resolved to renew the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

Licence Holder 10/2021

The Executive Director (Operations) submitted a report relating to Applicant 10/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant was presented by the Licensing Unit Manager and set out the reasons for the Applicant being before the Committee.

The report stated that the Applicant was originally granted a private hire drivers licence on 4th August 2005. It was revoked later that year when the client's licence was revoked by the Licensing and Safety Panel when he was convicted of dishonesty arising from insurance fraud. He was issued with a new private hire driver's licence on 7th November 2008, which he has been held continuously until its expiry on the 22nd April 2021.

As part of the online application the Applicant selected 'no' when asked "Do you have any convictions, fines or formal cautions?" and also selected 'no' when asked "Have you been issued with any fixed Penalty notices?" However, checks via the DVLA's online portal found the Applicant had a conviction in December 2020 for speeding, for which he was awarded 3 penalty points and ordered to pay a fine of £100. The Applicant had therefore failed to declare this motoring conviction within the correct time frame of 7 days from conviction, as stipulated in the private hire drivers licence conditions.

The Applicant explained to the committee that he had tried to complete and submit the online form 3 times and had telephoned the licensing department to report problems he was experiencing with it. He went on to explain that around the time his brother and father had passed away and his mother and another brother were ill in hospital. He had therefore forgot to declare the conviction. He accepted he should have notified the Licensing Service but had forgotten and apologised.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Applicant. It noted the Applicant's apology.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to grant the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

Licence Holder 11/2021

The Executive Director (Operations) submitted a report relating to Applicant 11/2021 who was in attendance at the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant, was presented by the Licensing Unit Manager and set out the reasons for the applicant being before the Committee.

The report stated that the Applicant has held Private Hire and Hackney Carriage driver's licences continuously since 8th June 2018 until its expiry on the 7th June 2021.

As part of the online renewal application for both licences, it explains that any traffic offences must be declared irrespective of when they occurred. On both

application forms, the Applicant selected 'yes' when asked "Do you have any convictions, fines or formal cautions?" and also selected 'yes' when asked "Have you been issued with any fixed Penalty notices?". He then indicated he had been convicted in March 2021 of speeding and was awarded 3 penalty points and ordered to pay a fine of £100. The Applicant had therefore failed to declare this motoring conviction within the correct time frame of 7 days from conviction, as stipulated in the private hire and hackney carriage drivers licence conditions.

The Applicant explained to the meeting that he had tried to book a speed awareness course and had thought there was a longer period of days to declare offences to the Licensing Department. He accepted he had made a mistake but indicated he had got mixed up with timescales relating to notification of accidents and convictions. The Applicant admitted last reading the licensing rules 3 years ago and apologised for the mistake.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Applicant. It noted the Applicant's apology and that he had disclosed the conviction in his renewal application.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to renew the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.00pm and ended at 3.10pm)

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