

Minutes of: **LICENSING AND SAFETY COMMITTEE**

Date of Meeting: 15 December 2022

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw, G Marsden, J Mason, G McGill and
J Rydeheard

Also in attendance: M Bridge- Licensing Unit Manager
M Cunliffe – Democratic Services
M Hope – Barrister instructed as Legal Advisor on behalf of the
Council

Public Attendance: 2 members of the public were present at the meeting.

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted from B Thomson- Head of Public Protection, A Green – Council Solicitor and Councillors R Brown, N Boroda, K Hussain, I Rizvi and M Walsh.
Councillor Mason acted as a substitute representative for Councillor Walsh.

LSP.2 DECLARATIONS OF INTEREST

Councillor Rydeheard declared an interest that in his employment he had worked on a number of cases involving both Private Hire and Hackney Carriage drivers.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 22nd November 2022 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

2 members of the public were in attendance at the meeting although no questions had been pre submitted or were verbally asked at the meeting.

LSP.5 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:

The Licensing Service had dealt with a number of compliance and enforcement matters between the 14th November and the 4th December 2022.

BEST BAR NONE

The Licensing Service had been notified by Greater Manchester Police that applications for the Best Bar None Scheme have been assessed and scored against the specified criteria. Successful venues will be notified in due course.

PARTNERSHIP WORKING

The Licensing Service had been working with Greater Manchester Police undertaking visits to licensed premises on the 25 November 2022 to ensure compliance with their conditions of their licences during the World Cup. 20 licensed premises were visited and given the appropriate advice and guidance.

ONLINE APPLICATIONS

The Licensing Service had been working with colleagues in the Transformation Team to review the application process for licences issued under the Animal Welfare (Licensing of Activities) (England) Regulations 2018 which will improve the customer journey when they are submitting applications.

The Licensing Service are still currently working on the application process for a Hackney Carriage/Private Hire Vehicle Licence to enable the vehicle proprietor to also book the vehicle compliance test online at Bradley Fold. The process will involve the applicant receiving emails about the application process and confirmation and reminder emails for when the vehicle compliance test is booked.

LET'S DO IT BRILLIANTLY AWARDS

The Licensing Service had been nominated and won this year's staff awards for work towards our Let's Do It community strategy principles.

REQUEST FROM HACKNEY CARRIAGE ASSOCIATION

The Licensing Service had received a petition from the Bury Hackney Association relating to rear loading vehicles and in particular tail lifting wheelchair accessible vehicles.

The petition had been acknowledged by the service and the matter is being reviewed in line with the Council's Policy relating to petitions. This matter would be brought before members in due course for their consideration.

No questions were raised in relation to the report.

The Chair on behalf of the committee congratulated the Licensing service on winning the staff award and asked that officers in the department are thanked for their hard work over the last 12 months.

It was agreed:

That the report be noted.

LSP.6 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.7 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.8 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES

The Executive Director (Operations) submitted a report relating to Applicant 10/2022 who was in attendance at the meeting along with a family member. The Chair made introductions and along with the Legal Advisor outlined the procedure to be followed and clarified that all those present had read the report. The report, which was accepted by the Applicant and presented by the Licensing Unit Manager, set out the reasons for the Applicant being before the Committee.

This applicant had previously held a Hackney Carriage Driver licence and a Hackney Carriage vehicle licence granted by this Authority. On the 5th September 2012, he appeared before the Licensing and Safety Panel in relation to an allegation of rape on a female passenger which resulted in his Hackney Carriage Driver licence being revoked. He appealed the Panel decision to Bury Magistrates and his appeal was dismissed.

The applicant had subsequently appeared before members of the Licensing and Safety Panel on the 6th October 2014 and 11th April 2016 seeking consideration as to his suitability to become a Hackney Carriage Driver. On both occasions his application was refused.

On the 26th April 2018 and the 23rd July 2020, he appeared before the Licensing and Safety Panel for consideration to become a Private Hire Driver. These applications were also refused.

On the 16th March 2022; the applicant submitted a new application to become a Private Hire Driver. However, supporting documents to accompany his application were outstanding therefore he submitted a further new application on 31st October 2022. As per the application process the applicant submitted himself to a Disclosure and Barring Service (DBS) Disclosure Check. The resultant certificate was issued on the 27th September 2022 and contained no information.

Previous DBS certificates had contained information that had been disclosed in previous panel reports. This information had been previously disclosed at the Chief Police Officers discretion and was contained within the private agenda pack. Greater Manchester Police believed that this information was relevant and ought to be disclosed despite the fact that this applicant was not charged with any offences, because he is applying for the role of taxi driver and the information relates to an allegation from 2012.

This disclosure relates to the incident which resulted in his previously held licence being revoked.

Further information contained in the report detailed the Council's Policy and Guidelines on sexual and indecency offences along with intelligence and other information which had not resulted in a criminal conviction.

The Applicant explained that he had learnt his lesson for the previous mistake which took place and apologised to the committee asking for a second chance. He was a changed person and would not let people down.

The family member representative provided the committee with some family background information and stated what occurred in 2012 was wrong. She stated that the applicant was truthful and honest whilst he also undertook community work which involved females and there had been no complaints made.

The Council's legal representative clarified with the applicant that he asserted that the incident which occurred in 2012 was consensual and he regretted this.

Delegated decision:

The Committee carefully considered the report, oral representations by the applicant and his family member representative along with a written statement and references circulated to the committee at the meeting.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, and the statutory guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017, the Committee resolved **to refuse the application**.

The reasons for the Committee's decision were as follows:

- The applicant was not a fit and proper person to hold a licence.
- Whilst there was no conviction, the applicant accepted the 2012 incident in a licensed vehicle, which was not appropriate conduct.
- Public safety was paramount and the committee had no confidence in the applicant carrying lone female passengers who could be vulnerable at any time of day or night.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 1.00pm and ended at 1.38pm)