

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	Thursday 17 July 2014
Present:	Councillor D Jones (in the Chair), Councillors: P Adams, N Bayley, I Bevan K S Briggs , D M Cassidy, T Holt, J Grimshaw, R Hodgkinson and A K Matthews
Apologies for absence:	Councillors A Simpson (cl) and S Southworth (cl)
Public Attendance:	There were no members of the public in attendance

LSP.154 DECLARATIONS OF INTEREST

Councillor Cassidy declared a prejudicial interest in respect of Minute LSP.159 below, Suspension/Revocation of Private Hire Driver Licences, and left the room during consideration of the applications relating to 21/2014 and 22/2014 as she was acquainted with the person acting as representative for 21/2014, who himself was applying for a licence (LSP.160 - application 22/2014)

LSP.155 MINUTES

Delegated decision:

That the Minutes of the Licensing and Safety Panel meeting held on 17 June 2014 be approved as a correct record and signed by the Chair.

LSP.156 PUBLIC QUESTION TIME

There were no members of the public present to ask questions under this item.

LSP.157 OPERATIONAL REPORT

The Assistant Director (Localities) submitted a report advising on operational issues within the licensing service, namely:

- Progress on Purple Flag status for Bury Town Centre
- Home to School Transport Contracts
- The outcome of a Licensing Appeal

Andrew Johnson, Head of Trading Standards and Licensing, outlined the steps being undertaken by the Council as it seeks Purple Flag status for Bury Town Centre. Purple Flag is a national accreditation

scheme for the management of town centres. It was reported that an overnight assessment of the town centre would take place between the hours of 5pm and 5am on 18/19 July.

With regard to the issue of Home School Transport Contracts it was reported that the Licensing Service would be taking over the issuing of drivers badges to Public Service Vehicle drivers who undertook home to school transport services under contracts with the Council. This arrangement will mirror the process undertaken for Hackney Carriage and Private Hire licensing.

The Head of Trading Standards and Licensing informed the Panel of a recent appeal in relation to a decision to revoke a driver's Hackney Carriage and Private Hire Licence. It was reported that the appeal was dismissed on 3 July 2014 with costs of £2025 being awarded to the Council.

Delegated decision:

That the report be noted

(Note: Councillor Holt left the meeting following consideration of the above item.)

LSP.158 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.159 PROPOSED SUSPENSION/REVOCAION OF A PRIVATE HIRE DRIVER'S LICENCE

(E)

The Deputy Licensing Officer presented a report submitted by the Assistant Director (Localities) on the proposed suspensions of Private Hire Driver's Licences.

The licence holders and their representatives were invited into the meeting room for their hearing and the Chairman outlined the procedure to be followed. The Deputy Licensing Officer read out the contents of the report which were accepted by the licence holders.

The licence holders and their representatives took the opportunity to address the Panel.

Delegated decisions:

1. That upon considering the written report, the oral representations made by the licence holder and his representative and taking account of relevant policy and the Council's Conviction Guidelines, the Panel resolved, on a majority decision, that licence holder 21/2014 have his Private Hire Driver's Licence **revoked**.

Pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Panel was satisfied that since the grant of his licence, the licence holder had very recently been convicted of a serious offence of dishonesty namely benefit fraud, which had continued over a 2 year period. The Panel did note the representations made about the circumstances of the offence, the licence holder's personal circumstances and the apology given by the licence holder, but felt there was insufficient basis upon which to depart from the policy and guidelines and for the reasons stated, decided it was reasonable and proportionate to revoke the licence holder's licence.

The licence holder was reminded of their right of appeal to the Magistrates' Court within 21 days.

2. That upon considering the written report, the oral representations made by the licence holder and taking into account the relevant policy and the Council's Conviction Guidelines, the Panel agreed, on a unanimous decision, that licence holder 23/2014 have his Private Hire Driver's Licence **suspended for a period of 6 months**.

Pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976, the Panel was satisfied that since the grant of his licence, the licence holder had very recently been cautioned for cultivating cannabis and abstraction of electricity and had been fined by HMRC for an offence of tax avoidance. The Panel did note the representations made about the circumstances of the offences, the licence holder's personal circumstances and the apology given by the licence holder, together with his admissions regarding smoking cannabis and his assurances he no longer did this. However, the Panel felt there was insufficient basis upon which to depart from the policy and guidelines and for the reasons stated, decided it was reasonable and proportionate to suspend the licence holder's licence, as the offences he had committed and his admissions regarding smoking cannabis, gave them reasonable cause.

The licence holder was reminded of their right of appeal to the Magistrates' Court within 21 days.

3. That upon considering the written report, the oral representations made by the licence holder and taking account of relevant policy and the Council's Convictions Guidelines, the Panel resolved, on a majority decision, that licence holder identified as 24/2014 be **admonished as to future conduct.**

The Panel noted that the licence holder had not challenged the original charge which, due to his failure to provide information as to the driver of his vehicle on the date a speeding offence occurred and his failure to attend the Magistrates Court, had resulted in him being convicted and sentenced in his absence. The Panel further noted the licence holder's personal circumstances which contributed to him being sentenced in his absence, but also noted the seriousness of failing to provide information and non attendance at Court hearings.

However the Panel felt that in view of his personal circumstances and the apparent harshness of the penalty there was sufficient basis upon which to depart from the policy and guidelines and for the reasons stated, decided it was reasonable and proportionate to take no further action against the licence holder.

LSP.160 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

(E)

The Deputy Licensing Officer presented a report submitted by the Assistant Director (Localities) regarding an application for a Public/Private Hire Vehicles Drivers' Licence.

The Chair outlined the procedure to be followed and the applicant was invited to address the Panel on his application and any matters referred to in the Officer's report. The Licensing Officer read out the contents of the report which was accepted by the applicant.

Delegated decision:

That after careful consideration of the written report, the oral representations made by the applicant and taking into account the relevant policy and the Council's Conviction Guidelines, the Panel determined the applicant to be a fit and proper person in accordance with the Local government (Miscellaneous Provisions) Act 1976 and that the application for a Hackney Carriage Driver's Licence by applicant 22/2014 be **granted.**

The Panel accepted the applicant's explanation for the offence committed and the circumstances surrounding it and noted the applicant's personal circumstances. It further noted the applicant had no other matters recorded against him.

COUNCILLOR D JONES - CHAIR

(Note: The meeting started at 7.00 pm and finished at 8.35pm)