

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	Tuesday 9 September 2014
Present:	Councillor D Jones (in the Chair), Councillors: P Adams, N Bayley, I Bevan, D M Cassidy, T Holt, J Grimshaw, R Hodgkinson, A K Matthews, A Simpson and S Southworth
Apologies for absence:	Councillors: K S Briggs and J Walton
Public Attendance:	There were no members of the public in attendance

LSP.226 DECLARATIONS OF INTEREST

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

LSP.227 MINUTES

Delegated decision:

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

LSP.228 PUBLIC QUESTION TIME

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

LSP.229 URGENT BUSINESS

There was no urgent business to report at the meeting.

LSP.230 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.231 PROPOSED SUSPENSION/REVOCATION OF A PRIVATE HIRE DRIVER'S LICENCE

(E)

Client 26/2014 did not attend the meeting and it was agreed by the members of the Licensing and Safety Panel to adjourn their decision until the next meeting in order to give the Licence Holder the opportunity to address the Panel.

LSP.232 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

(E)

The Licensing Manager presented reports 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 and the Chair outlined the procedure to be followed. The applicants and their representatives were invited to address the Panel separately on their applications and any matters referred to in the Officer's report.

1. Applicant 29/2014 attended the meeting and was represented by Mr Gilmore, from Adamson's Law Solicitors. The Licensing Manager summarised a report detailing a complaint of alleged sexual assault. Mr Gilmore stated that he had difficulty in accepting the report as it mentions a conviction and that following a thorough investigation by Greater Manchester Police in relation to the allegation, no conviction was ever brought against the Applicant and should not be considered as such.

Mr Gilmore explained that the Applicant was a family man with three children to support who had been a taxi driver for 15 years prior to the incident in May 2011 and had subsequently had employment in an off licence and as a delivery driver for Pizza Hut. References were provided to the Licensing and Safety Panel in relation to the Applicant's character. Mr Gilmore stated that if the Applicant was granted a licence he would install a camera in his vehicle and be traceable via GPS tracking. Mr Gilmore stated that as no criminal proceedings had been brought against the Applicant, it was time to 'draw a line' under the incident and he should be given the opportunity to provide for his family and be granted a Private Hire Driver's licence.

Delegated Decision;

The Panel carefully considered the written report and the oral representations made by Mr Gilmore and all the evidence presented including written references, and with due consideration of the potential effect on the applicant's livelihood and family life,

and taking into account the Council's Conviction Guidelines, the Panel found that;

- The Applicant had been convicted of a serious offence of affray in 2007
- The allegation made against the Applicant in May 2011 was of a serious nature
- The Applicant had provided only a limited explanation of his version of events and even based upon that version, he appeared to admit that activities of a sexual nature had occurred in his private hire vehicle on the night in question
- Members of the Licensing and Safety Panel had previously revoked the Applicant's Private Hire Licence and subsequently refused to grant a licence based on the same information and had therefore determined the Applicant not to be 'fit and proper'
- The Applicant had not appealed either of the previous decisions of the Licensing and safety Panel
- There had been insufficient time that had elapsed since the incident in May 2011.

The Panel therefore determined the Applicant not to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and therefore that the Applicant identified as 29/2014 be **refused** a Private Hire Driver's Licence.

The Applicant was informed of their right to appeal to the Magistrates' Court within 21 days.

2. The Applicant 27/2014 attended the meeting and was unrepresented. The Licensing Manager summarised the report which was accepted by the Applicant, who then addressed the Panel.

The Applicant explained he was very remorseful for the convictions in relation to possession and intent to supply drugs but stated that the first conviction in August 2006 was when he was very young and was with the wrong crowd and the subsequent convictions in April and May 2011 and March 2012 were when he was going through a difficult time after just leaving college. He stated that he was now working in the family taxi business as an operator and provided a written character reference.

Delegated Decision;

The Panel carefully considered the written report and the oral representations made by the Applicant and the evidence presented and taking into account the Council's Conviction Guidelines, the Panel found that;

- The Applicant had been convicted of 4 serious offences relating to both the possession of and possession with intent to supply controlled drugs
- Three of the offences had been committed within the last 4 years the most recent being in early 2012, less than 3 years ago
- The Applicant admitted that he had been using cannabis during the time he had been arrested and convicted of the last three offences
- There had been insufficient time that had elapsed since the last conviction.

The Panel therefore determined the Applicant not to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and therefore that the Applicant identified as 27/2014 be **refused** a Private Hire Driver's Licence.

The applicant was informed of their right to appeal to the Magistrates' Court within 21 days.

3. Applicant 28/2014 attended the meeting and was represented by Miss Ahmed, a family friend. The Licensing Manager summarised the report which was accepted by the Applicant and Miss Ahmed addressed the Licensing Panel on behalf of the Applicant.

Miss Ahmed explained that the Applicant was very remorseful for the conviction of common assault in August 2006 and stated that he had a very abusive passenger who refused to pay the fare and he retaliated verbally and held on to the passenger's jacket to try and get the payment.

Regarding the incident and conviction in August 2011, Miss Ahmed explained that a pedestrian (whom he learned subsequently was a drunken man) had run in front of the Applicant's vehicle and he had struck them. However, as the area in which the Applicant stopped was what he believed to be a 'rough' area he was afraid to get out, panicked and therefore did not stop. An hour later he phoned the taxi base to explain what had happened and by that time the Police were involved. The Applicant was therefore charged with failing to stop and failing to report an accident and was subsequently convicted.

Miss Ahmed stated that the Applicant has 3 children and has separated from his wife. She went on to state that the Applicant wanted to be able to support his children financially in an honest profession, accepted he had made these mistakes in the past, was remorseful and now needed the opportunity to make an honest living and be a role model to his children.

Delegated Decision;

The Panel carefully considered the written report, the oral representations made by Miss Ahmed on behalf of the Applicant and the evidence presented and taking into account the Council's Conviction Guidelines, the Panel found that;

- The Applicant had been convicted of 4 serious offences
- All the offences had been committed whilst the Applicant was a private hire driver and driving a private hire vehicle
- His private hire drivers licence had been revoked by Blackburn with Darwen Council due to the most recent offences of failing to stop and failing to report and accident
- The facts outlined by the Applicants representative in relation to the last two offences of failing to stop and failing to report an accident demonstrated that the Applicant did not know whether the pedestrian was injured or not or if they were, how seriously.

The Panel therefore determined the Applicant not to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and therefore that the Applicant identified as 28/2014 be **refused** a Private Hire Driver's Licence.

The applicant was informed of their right to appeal to the Magistrates' Court within 21 days.

COUNCILLOR D JONES – CHAIR

(Note: The meeting started at 7.00 pm and finished at 8.20 pm)