

SPEAKERS PANEL (LICENSING)

Day: Tuesday
Date: 19 March 2019
Time: 10.00 am
Place: Lesser Hall 2, Dukinfield Town Hall

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies for the meeting from Members of the Panel.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Panel.	
3.	MINUTES The Minutes of the proceedings of the meeting of the Speakers' Panel (Licensing) held on 31 July 2018 to be signed by the Chair as a correct record.	1 - 2
4.	EXEMPT ITEMS That under Section 100A of the Local Government Act 1972 (as amended) the public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 2 and 3 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, because disclosure of the personal information contained in the reports would not be fair to the license holders and would therefore be in breach of Data Protection principles.	
5.	APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - 2019/1 To consider a report of the Assistant Director, Operations and Neighbourhoods.	3 - 16
6.	APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - 2019/2 To consider a report of the Assistant Director, Operations and Neighbourhoods.	17 - 26
7.	APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - 2019/3 To consider a report of the Assistant Director, Operations and Neighbourhoods.	27 - 54

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8. URGENT ITEMS

To consider any items which the Chair is of the opinion shall be considered as a matter of urgency

Public Document Pack Agenda Item 3.

SPEAKERS PANEL (LICENSING)

31 July 2018

Commenced: 10.00 am

Terminated: 11.30 am

Present: Councillors Drennan (Chair), Fowler, Gosling, D Lane, Lewis, Newton, Sharif, Sidebottom, Wild and Chadwick

In Attendance: Aileen Johnson Head of Legal Services
John Gregory Regulatory Services Manager
Mike Robinson Regulatory Compliance Officer (Licensing)

Apologies for Absence: Councillors Jackson and J Lane

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. MINUTES

The Minutes of the Speakers Panel (Licensing) meeting held on 19 June 2018 were approved and signed as a correct record.

9. EXEMPT ITEMS

RESOLVED:

That under Section 100A of the Local Government Act 1972 (as amended) the public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Act and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, because disclosure of the personal information contained in the reports would not be fair to the license holder and would therefore be in breach of Data Protection principles.

10. REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - 1/2018

The Assistant Director of Operations and Neighbourhoods submitted a report requesting that the Panel determine whether the licence holder remained a fit and proper person to hold the relevant licences in accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted and heard the Regulatory Services Manager's case. He advised the Panel that the driver had held a Hackney Carriage and Private Hire driver's licence since July 2008. On 6 April 2018 the licensing office received a complaint saying that the driver had been harassing them. A Regulatory Compliance Officer was tasked with investigating the complaint and took a written statement from the complainant on 16 April 2018.

The complainant was invited to the hearing and although they had confirmed their attendance they had not attended. In their absence the Manager read out the written statement that they had

submitted in which they stated the various incidents that had taken place in-between January 2013 and March 2018.

The Regulatory Compliance Officer told the Panel about his findings during his investigation into the complaint. The driver had attended the licensing office in April 2018 to discuss the complaint that had been made against them and gave their account of the various incidents that the complainant had listed.

Having heard the case from licensing the driver, their representative and the Panel were provided with the opportunity to ask questions.

The driver then addressed the Panel and in response to a variety of questions from their legal representative confirmed that they had been a taxi driver for over 10 years and had no complaints against them, no criminal convictions and had no involvement with the Police. They provided the Panel with an explanation for the various incidents that the complainant had listed.

Following the driver's case the Panel Members were provided with the opportunity to ask questions.

At this juncture the driver, their representative, the Regulatory Services Manager and the Regulatory Compliance Officer left the meeting whilst the Panel deliberated on the review. The Solicitor to the Panel and the Senior Democratic Services Officer remained in the meeting to give legal and procedural advice and took no part in the decision making process.

The Panel considered all the information presented at the hearing and based on the evidence before them they determined that the driver had not sufficiently defended themselves as to what the complainant had said in their statement and they were not therefore able to convince the Panel that the complainant's statement was not correct.

The Panel were no longer satisfied that the driver was a fit and proper person to hold a Hackney Carriage and Private Hire driver's licence and with reference to the relevant section of the Local Authority's Convictions Policy resolved that their Hackney Carriage and Private Hire driver's licence be revoked in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

RESOLVED:

That the Hackney Carriage and Private Hire Driver's Licence 1/2018 be revoked.

11. URGENT ITEMS

There were no urgent items.

CHAIR

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of the Local Government Act 1972.

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