

**MEETING OF SPEAKERS' PANEL
(LICENSING)**

22 September 2015

Commenced: 10.00am

Terminated: 12.20am

Present: Councillor Bray (Chair)

Councillors Beeley, Fowler, Francis, F Travis, and Wild

Apologies for absence: Councillors Downs, Kinsey, D Lane, Sidebottom and White

1. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Panel.

2. MINUTES

The Minutes of the proceedings of the meeting of the Speakers' Panel (Licensing) held on 23 June 2015, copies of which had been circulated, were agreed and signed by the Chair as a correct record.

3. EXEMPT ITEMS

RESOLVED

That under Section 100A of the Local Government Act 1972 (as amended) the public and press be excluded for the following items 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 outweighed the public interest in disclosing the information, because disclosure of the personal information contained in the reports would not be fair to the applicants or license holders and would therefore be in breach of data protection principles.

4. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE – 5/2015

The Assistant Executive Director (Environmental Services) submitted a report, copies of which had been circulated, requesting that the Panel considered whether the Private Hire Driver was a fit and proper person in accordance with the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

The purpose of the hearing was for the Panel to determine, having regard to all the circumstances, whether there was reasonable cause to suspend or revoke the Private Hire Driver's Licence.

The Panel considered the written information submitted that the driver had attended the Licensing Office in order to declare a pending conviction of conspiracy to commit fraud, to which they had pleaded guilty, and were due to be sentenced for the offence at Minshull Street Crown Court. The driver again contacted the Licensing Office in September 2015 to confirm that they had been convicted.

The Panel heard the Licensing Manager's case and meeting attendees were provided with the opportunity to ask any questions. The driver addressed the Panel and provided a history to the

offence, distributed character references and expressed remorse. The driver answered questions from both the Licensing Manager and Panel Members including how they would manage the curfew to which they responded that they would work during the day.

At this juncture, the driver and the Licensing Manager 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 determined that no action be taken.

RESOLVED

That no action be taken and Private Hire Driver Licence 5/2015 be retained.

5. APPLICATION FOR A PRIVATE HIRE AND HACKNEY DRIVER'S LICENCE – 6/2015

The Assistant Executive Director (Environmental Services) submitted a report, copies of which had been circulated, requesting that the Panel considered whether the applicant was a fit and proper person in accordance with the provisions of Section 51 (1) (a) and 59 (1) (a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted that the applicant had previously held Private Hire and Hackney Carriage Driver's Licences with Tameside Council between November 2007 to October 2009 and July 2010 to August 2011. They had previously appeared before Speaker's Panel (Licensing) on 23 January 2007 and a licence was granted and appeared again on 27 July 2010 and again a licence was granted.

In June 2011 the Licensing Authority was notified by Greater Manchester Police that the applicant had been subject to further convictions. The Licensing Authority sent two letters requesting to discuss the convictions, however, the applicant failed to respond and subsequently their licence expired in August 2011.

The Panel heard the Licensing Manager's case and details of the applicant's previous convictions listed on their Private Hire and Hackney Driver's Licence application form, Enhanced DBS Disclosure and Statutory Declaration. Meeting attendees were provided with the opportunity to ask questions.

The driver addressed the Panel and provided a context to their convictions and explained that following a period of uncertainty in their personal life they now felt ready to return to work as a private hire driver. The driver answered questions from both the Licensing Manager and Panel Members including confirming that a job was available.

At this juncture, the driver and the Licensing Manager 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 determined that a Private Hire and Hackney Driver's Licence be granted.

RESOLVED

That a Private Hire and Hackney Driver Licence be granted.

6. APPLICATION FOR A PRIVATE HIRE AND HACKNEY DRIVER'S LICENCE – 7/2015

The Assistant Executive Director (Environmental Services) submitted a report, copies of which had been circulated, requesting that the Panel considered whether the applicant was a fit and proper person in accordance with the provisions of Section 51 (1) (a) and 59 (1) (a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted that the applicant had previously held a Private Hire and Hackney Carriage Driver's Licence with Tameside Council between 26 February 2010 until the revocation of their licence on 11 July 2013 following unsuccessful appeals at both the Magistrates and Crown Courts after a decision had been made to revoke their licence at a Speaker's Panel (Licensing) meeting on 13 November 2012.

The Panel were notified that on 2 October 2012 the driver had pleaded guilty to five counts of committing acts/series of acts with intent to pervert the course of justice relating to motoring offences detected by enforcement cameras.

The Panel heard the Licensing Manager's case and meeting attendees were provided with the opportunity to ask questions. The applicant's representative then addressed the Panel and provided a brief personal history of the driver, a context to their convictions and expressed their continued remorse. The Panel considered the several character references which were circulated at the meeting.

The applicant answered questions from both the Licensing Manager and Panel Members including confirming that they had a position waiting at a local taxi operator.

At this juncture, the driver and the Licensing Manager 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 determined that a Private Hire and Hackney Driver's Licence be granted.

RESOLVED

That a Private Hire and Hackney Driver Licence be granted.

7. INFORMATION REGARDING PRIVATE HIRE OPERATOR'S LICENCE

The Licensing Manager provided a verbal report to the Panel on Uber who had submitted an application to the licensing office to operate in Tameside. A brief history of Uber and how the business operated was provided to the Panel.

The Panel heard that legislation to operate in the UK was in place via existing private hire legislation and that Uber was already operating in seven Greater Manchester local authorities. New legislation, which commenced from 1 October 2015, would allow operators to sub-contract private hire drivers from other boroughs.

It was reported that Uber complied with the majority of the licensing conditions and an agreement had been reached that "uber.com" stickers be used on vehicles in the absence of a telephone contact number, as this was the main method of communication. They had confirmed that records could be easily accessed via their premises in Hyde and that drivers could be immediately blocked on their system if alerted by the Police.

Panel Members expressed concern over livery on Uber's private hire vehicles. It was confirmed that there was a requirement for private hire vehicles to display adequate signage and the use of yellow "private hire" stickers across Greater Manchester was being introduced in Tameside.

RESOLVED

That the verbal report be noted.

8. URGENT ITEMS

The Chair reported that there were no urgent items for consideration at this meeting.

CHAIR