

## **SPEAKERS PANEL (LICENSING)**

**Tuesday, 21 November 2017**

**Commenced:** 10.00 am

**Terminated:** 11.00 am

**Present:** Councillors Bray (Chair), Reid (Deputy Chair), Beeley, Buglass, Fowler, Kinsey, Newton, Sharif, Sidebottom, F Travis and Wild

**In Attendance:** Ella Whitehead Solicitor to the Panel  
John Gregory Regulatory Services Manager  
Gemma Lee Regulatory Compliance Officer  
James Horton Regulatory Support Officer

**Apologies for Absence:** Councillors Jackson and D Lane

### **9. DECLARATIONS OF INTEREST**

Member	Subject Matter	Type of Interest	Nature of Interest
Councillor Chris Buglass	Item 6 – Review of a Private Hire Driver's Licence – 6/2017	Prejudicial	The applicant was known to Councillor Buglass

\* Councillor Buglass left the room during consideration of this item.

### **10. MINUTES**

The Minutes of the Speakers Panel (Licensing) meeting held on 20 June 2017 were approved and signed as a correct record.

### **11. 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 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 applicant / license holder and would therefore be in breach of Data Protection principles.

### **12. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - 5/2017**

The Assistant Director of Environmental Enforcement submitted a report requesting that the Panel determine whether the applicant was a fit and proper person to hold the relevant licence in accordance with the provisions of Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the renewal application for a Private Hire Driver's Licence. Before granting the application the Panel had to be satisfied that the applicant was a fit and proper person to hold the licence.

The Panel considered the written information submitted and heard the Regulatory Services Manager's case. The Manager advised the Panel that the applicant had applied for a renewal of their Private Hire Driver's Licence and an enhanced Disclosure Barring Service check in August 2017. They had declared two offences on the renewal form – one dated April 2017 for Grievous Bodily Harm and one dated May 2017 for exceeding the speed limit. The Disclosure Barring Service certificate detailed a caution for Battery dated 8 April 2017. The applicant had attended an interview at the Licensing Office to discuss the offence.

The Panel were told that under Section 2 of the Private Hire Driver's Conditions, drivers must within 7 days disclose to the Council details of any convictions, cautions or any other orders imposed on them during the period of their licence. The applicant had not complied with this condition.

Having heard the Regulatory Services Manager's case the applicant and the Panel were provided with the opportunity to ask questions.

The applicant then addressed the Panel and advised that they had been a driver since 2005. They regretted the incident that had occurred and said it was out of character and they had acted in the heat of the moment. It was an isolated incident and nothing like that had ever happened before and never would again. They told the Panel that they had wrongly described the offence as "GBH" on the form but it was Battery. They apologised for not declaring the caution and explained that they were unaware that they had to disclose to the Council any convictions, cautions or any other order imposed on them within 7 days.

Following the applicant's case Panel Members and the Regulatory Services Manager were provided with the opportunity to ask questions.

**At this juncture the applicant, the Regulatory Services Manager and the Regulatory Support 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 with reference to the relevant section of the Council's policy resolved that they did not consider the applicant to be a fit and proper person to hold a Private Hire Driver's Licence.

**RESOLVED:**

**That the application for renewal of a Private Hire Driver's Licence 5/2017 be refused.**

### **13. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - 6/2017**

The Assistant Director of Environmental Enforcement submitted a report requesting that the Panel determine whether the licence holder remained a fit and proper person to hold the relevant licence 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 Compliance Officer's case. The Officer advised the Panel that the driver had been with the authority since December 2016. On 24 October 2017 they attended the Council Offices to declare a conviction. The driver advised that they had been convicted for plying for hire and using a motor vehicle without insurance in August 2017 at Manchester Magistrates Court from an incident that had occurred in June 2016.

A Licensing Officer from Manchester City Council had provided a written statement outlining the sequence of events from the night, which was summarised by the Regulatory Compliance Officer. The driver had pleaded not guilty but had been found guilty of plying for hire and using a motor vehicle without insurance and ordered to pay fines, victim surcharge and costs. They had been a driver with Rossendale Borough Council at the time, who had revoked their licence following the incident.

The Panel were aware that under Section 2 of the Private Hire Driver's Conditions, drivers must within 7 days disclose to the Council details of any convictions, cautions or any other orders imposed on them during the period of their licence. The driver had not complied with this condition.

Having heard the Regulatory Compliance Officer's case the driver and the Panel were provided with the opportunity to ask questions.

The driver then addressed the Panel and thanked them for hearing their case. The driver advised that they had been working for Uber at the time of the offence and had been in the vicinity of the Etihad Stadium waiting for a job. They disagreed with the observations of the Licensing Officer from Manchester City Council and provided a detailed explanation of the events from that evening.

The driver said that it had been a genuine mistake which they had learnt from and if they lost their licence it would have a major impact on them and their family. They said that they were unaware that they had to disclose to the Council any convictions, cautions or any other order imposed on them within 7 days.

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

**At this juncture the applicant, their brother, the Licensing Manager and the Regulatory Support 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 with reference to the relevant section of the Local Authority's Convictions Policy resolved that the Private Hire Driver's Licence be revoked.

**RESOLVED:**

**That the Private Hire Driver's Licence 6/2017 be revoked.**

**14. URGENT ITEMS**

There were no urgent items.

**CHAIR**