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SPEAKERS PANEL (LICENSING)

Day: Tuesday
Date: 21 September 2021
Time: 10.00 am
Place: George Hatton Hall, 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 20 July 2021 to be agreed as a correct record.	1 - 4
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 applicants and would therefore be in breach of Data Protection principles.	
5.	APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE - 2/2021 To consider a report of the Regulatory Services Manager.	5 - 38
6.	APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - 3/2021 To consider a report of the Regulatory Services Manager.	39 - 52
7.	URGENT ITEMS To consider any items which the Chair is of the opinion shall be considered as a matter of urgency	

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Charlotte Forrest, Senior Democratic Services Officer on 0161 342 2346 or charlotte.forrest@tameside.gov.uk, to whom any apologies for absence should be notified.

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address in Northenden. An officer from Manchester City Council reported the offence to Tameside Council's Licensing Department on Monday 16 December 2019.

On Tuesday 1 June 2021 the driver attended Tameside Magistrates Court and pleaded guilty to the offences of plying for hire and driving without insurance. They received a fine of over £500 and 8 points on their licence for driving with no insurance, with no separate penalty for the offence of plying for hire. It is a condition of a Private Hire Drivers Licence that a driver 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. However, the driver did not disclose this conviction to the Council.

On 10 June, the driver was contacted by the Licensing Manager to attend the Licensing Office to discuss the recent conviction. A record of the meeting, which took place on 15 June 2021 between the Licensing Manager and the driver, was appended to the report.

The Panel were made aware of the following sections from the Local Authority's Convictions Policy:-

F. MOTORING CONVICTIONS

Major traffic offences

New applicants and existing licensed drivers with a conviction for a Major Traffic Offence as defined below, which is less than 5 years prior to the date of the application (or the present date in relation to existing licensed drivers) will be referred to the Panel for determination. A conviction less than 3 years prior to the date of the application will generally be refused. For the purposes of these guidelines the following offences are classed as 'Major Traffic Offences':

IN10 Using a vehicle uninsured against third party risks.

Minor traffic offences

Plying for Hire

In the case of a private hire driver found guilty of an offence of plying for hire, the Speaker's Panel (Licensing) would normally order the licence to be revoked or suspended.

Breach of Conditions, Bye-laws and complaints.

Any breach of conditions, breach of bye-laws or complaint relating to a licence holders conduct may be referred to the Panel. A licence holder brought before the Panel will be dealt with by way of either taking no further action, a formal warning, a period of suspension or revocation.

Conditions For Private Hire Drivers

Prohibition of plying for hire

The driver must not while driving or in charge of a private hire vehicle;

- 1. Tout or solicit on a road or other public place any person to hire or to be carried for hire in any private hire vehicle, or*
- 2. Cause or procure any other person to tout or solicit on a road or other public place any person to hire or to be carried for hire in any private hire vehicle.*

In this condition:

"road" means any highway and any other road to which the public has access including bridges over which a road passes.

The Panel and the driver were then provided with the opportunity to ask questions of the Regulatory Compliance Officer.

The driver had submitted a written statement prior to the hearing, which had been circulated to all Panel Members. They addressed the Panel and apologised sincerely for the incident and explained the stress this had caused both them and their family and stated that nothing like this would ever happen again.

In response to questions from the Regulatory Compliance Officer and Panel Members, the driver explained that the Police had told them that the Tameside Licensing Authority would be informed so they presumed they did not have to inform the Licensing Authority. The driver was reminded that they must disclose incidents to the Licensing Authority within 7 days in accordance with the licensing conditions and stated that they were unaware of this requirement. The driver was asked whether they had ever accepted street bookings before and in response stated that they had never done this before.

The driver was then questioned about the offence of driving without insurance. They stated they were unaware that plying for hire made their insurance void and that they had committed this offence unknowingly.

In summary, the driver reiterated their apologies and regret for the incident. Their daughter, who attended the meeting, added that they were a good, hard working person, who just wanted to help people and loved their job. She added her assurance that such an incident would never happen again.

The Panel and the Regulatory Compliance Officer were then provided with the opportunity to ask questions of the driver.

At this juncture the driver and the Regulatory Compliance Officer left the meeting whilst the Panel deliberated on the application. The Legal Representative 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.

In determining the review the Panel considered all the information presented at the hearing in addition to the report, appendices and the personal statement submitted in advance of the hearing. They further considered relevant statute and case law and the Council's *Convictions Policy (Policy & Guidelines relating to the Application of the "Fit and Proper Test" to Licensed Drivers and Operators)*.

The Panel determined that they were satisfied that the driver remained a fit and proper person to hold a licence. However, in order to reflect the severity of the offence, the Panel decided that the licence should be suspended for a period of 2 weeks beginning at the end of the 21 day appeal period.

The Panel was of the view that the sanction imposed was appropriate and proportionate having regard to all the circumstances of this matter and having regard to the Council's adopted policy.

RESOLVED

That the driver's licence be suspended for a period of two weeks commencing at the end of the 21 day appeal period.

5. URGENT ITEMS

There were no urgent items for consideration.

CHAIR

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of the Local Government Act 1972.

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