

SPEAKERS PANEL (LICENSING)

Tuesday, 2 August 2016

Commenced: 10.00 am

Terminated: 11.25 am

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

Apologies for Absence: Councillors Kinsey and D Lane

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES

The Minutes of the Speakers Panel (Licensing) meeting held on 21 June 2016 were approved and signed as a correct record.

7. EXEMPT ITEMS

RESOLVED:

That under Section 100A of the Local Government Act 1972 (as amended) the public were excluded for the following items of business on the grounds that they involved 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 report would not be fair to the applicant and would therefore be in breach of Data Protection principles.

8. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - 2/2016

The Assistant Executive Director Environmental Enforcement submitted a report requesting that the Panel considered whether the applicant was a fit and proper person in accordance with the provisions of Sections 51 (1) (a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted that the applicant had applied for a Private Hire and Hackney Driver's Licence on 20 March 2016 and had submitted a statutory declaration dated 19 March 2016 on which they declared they had never been convicted for any offence. As part of the application process an enhanced DBS check was applied for, which revealed a conviction on 27 May 2009 relating to the 'supply of fireworks or firework assemblies to person apparently under 18'.

Enquiries within Environmental Services revealed that officers from Tameside Council's Trading Standards have had many dealings with a shop owned and managed by the applicant with regular intelligence that age restricted goods, such as tobacco products, DVD's and legal highs, were sold to minors. A statement submitted from a Business Compliance Officer within Trading Standards detailing these occasions and a transcript of an interview in relation to the information received from Trading Standards and the conviction were appended to the report and considered by the Panel.

The Panel heard the Licensing Manger's case and the applicant and the Panel were provided with the opportunity to ask questions.

The applicant then addressed the Panel and provided a context to their conviction, the instances where Trading Standards have had involvement with their shop and explained that following a period of uncertainty they would like to work as a Private Hire and Hackney Carriage Driver to provide for their family. As part of their statement they revealed that they held a taxi licence with Rossendale Borough Council and circulated their taxi badge, which expired in October 2018.

Panel Members and the Licensing Manager were provided with the opportunity to ask questions.

At this juncture the applicant, the Licensing Manager and witnesses 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 refused.

RESOLVED:

That the application for Private Hire and Hackney Carriage Driver's Licence 2/2016 be refused.

9. URGENT ITEMS

There were no urgent items.

CHAIR