

SPEAKERS PANEL (LICENSING)

Tuesday, 20 June 2017

Commenced: 10.00 am

Terminated: 12.30 pm

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

In Attendance:

Peter McCaughley	Solicitor to the Panel
John Gregory	Licensing Manager - Environmental Services (Public Protection)
Gemma Lee	Regulatory Compliance Officer (Licensing)
David Smith	Regulatory Compliance Officer (Licensing)

Apologies for Absence: Councillors Jackson, D Lane and Sidebottom

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The Minutes of the Speakers Panel (Licensing) meeting held on 26 April 2017 were approved and signed as a correct record.

3. 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 license holder / applicants and would therefore be in breach of Data Protection principles.

4. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE - 1/2017

The Assistant Executive Director of Environmental Enforcement submitted a report requesting that the Panel considered whether the licensee was a fit and proper person 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 Licensing Manager's case. The Licensing Manager stated that the licensee had held a hackney carriage driver's licence with the Authority since April 2005. In April 2014 a complaint was received in relation to the manner of their driving; they were spoken to about this matter and were issued with a written warning. In January 2015 a second complaint was received in relation to the manner of their driving; they were spoken to about this matter and issued with a further written warning. On 2 March 2017 a third

complaint was received about the manner of their driving. They were spoken to about this and were informed in writing that they were required to undertake an independent driving assessment in addition to a free driver training seminar "Professionalising the Taxi Trade".

The letter specified that they needed to comply with these requirements by 16 May 2017; they had not complied with the requirement for a driving assessment nor had they attended the seminar therefore they appeared before the Speakers Panel (Licensing).

Having heard the Licensing's Manager's case the licensee, their representative and the Panel were provided with the opportunity to ask questions.

The licensee's representative then addressed the Panel and explained that the licensee did not feel it was a reasonable request to be asked to undertake an independent driving assessment. They had denied each of the three complaints and had provided a detailed account on each occasion to the Licensing Department. The representative highlighted that the licensee had a clean driving licence and was a good competent driver. The representative had spoken to both the owner and manager of the firm the licensee worked for who both confirmed that they had received no complaints.

The representative told the Panel that the licensee had been re-issued with their hackney carriage driver's licence on 13 March 2017 despite the complaints against them, which demonstrated that the licensee was a "fit and proper" person.

The licensee provided the Panel with their version of events surrounding the three complaints and explained that there had been no further complaints since 2 March 2017. They felt that the complaints were not justified and there was no evidence. They explained that they had tried to book on the training seminar "Professionalising the Taxi Trade" but there had been no available spaces.

Following the licensee's case Panel Members and the Licensing Manager were provided with the opportunity to ask questions.

At this juncture the licensee, their representative 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 were mindful that it was their responsibility to ensure the public's safety and the proficiency of driver's. They therefore resolved that the licensee retain their hackney carriage driver's licence with the proviso that they undertake an independent driving assessment within three months. Failure to comply with this condition would result in a further attendance at a Speakers Panel (Licensing).

RESOLVED:

That the review of Hackney Carriage Driver Licence 1/2017 be determined by the licensee undertaking an independent driving assessment within three months.

5. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - 2/2017

The Assistant Executive Director of 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 Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted and heard the Licensing Manager's case. The Licensing Manager advised the Panel that the applicant had applied for a Private Hire Driver's Licence on 25 October 2016. As part of the application process they had submitted a statutory declaration where they declared a number of previous convictions. An enhanced Disclosure Barring

Service (DBS) check was presented to the Licensing Department on 4 April 2017, which listed 11 previous convictions in relation to 21 separate charges, the last of which was on 23 June 2000. The applicant was interviewed by a Licensing Officer in relation to the details of these convictions on 5 April 2017.

The Licensing Manager told the Panel that although the convictions were historic they were relevant for the purposes of applying for a Private Hire Driver's Licence.

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

The applicant then addressed the Panel and explained that they were a changed person and had turned their life around over the past 17 years. They advised that they had worked for a considerable time at a private hire company as an operator and were an honest, hard worker and would make a good taxi driver and were well known in their local community. The applicant distributed a number of references, which the Panel took into consideration.

Following the applicant's case Panel Members and the Licensing Manager were provided with the opportunity to ask questions. The applicant confirmed that they had secured a job with a private hire company should their application be granted.

At this juncture the applicant 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 was required to be satisfied that the applicant was a fit and proper person to hold a Private Hire Driver's Licence. Having considered all the information presented at the hearing the Panel was satisfied that the applicant was a fit and proper person and resolved to grant a Private Hire Driver's Licence.

RESOLVED:

That the application for Private Hire Driver's Licence 2/2017 be granted.

6. APPLICATION FOR A PRIVATE HIRE / HACKNEY CARRIAGE DRIVER'S LICENCE - 3/2017

The Assistant Executive Director of 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 Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the application for a Private Hire / Hackney Carriage 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 licences.

The Panel considered the written information submitted and heard the Licensing Manager's case. The Licensing Manager advised the Panel that the applicant had applied for a Private Hire / Hackney Carriage Driver's Licence on 7 November 2016. As part of the application process they undertook a topographical test on 12 April 2017. All applicants were advised that prior to starting the examination their mobile phones were to be switched off for the duration of the test.

The invigilator for the examination, a Regulatory Compliance Officer for TMBC, observed the applicant reading the examination questions out loud, which was disturbing the other candidates. As the Regulatory Compliance Officer was walking across the room to speak to the applicant they noticed them using their mobile phone underneath the desk. The Regulatory Compliance Officer asked the applicant to leave the room and hand in their examination paper.

The Regulatory Compliance Officer described the incident and the applicant's behaviour to the Panel. They told the Panel that when they asked the applicant to leave the room the applicant was difficult and became disruptive but eventually left the room. The Regulatory Compliance Officer spoke to the applicant outside of the room and described their behaviour as aggressive.

Having heard the Licensing's Manager's case and the witness statement the applicant and the Panel were provided with the opportunity to ask questions.

The applicant then addressed the Panel and apologised for their actions, they described their behaviour as frustration rather than aggression. The applicant provided an outline of their current situation and told the Panel that since losing their job in November 2016 they had been struggling financially and had found it difficult to find work.

The applicant explained that they had revised for the topographical test by reading the questions and answers out loud so felt comfortable doing that in the examination. They further explained that they were using their mobile phone to text a friend to request a lift to a job interview that they had later on that afternoon and were not cheating.

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

At this juncture the applicant, the Licensing 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 resolved that they did not consider the applicant to be a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence.

RESOLVED:

That the application for Private Hire / Hackney Carriage Driver's Licence 3/2017 be refused.

7. APPLICATION FOR A PRIVATE HIRE / HACKNEY CARRIAGE DRIVER'S LICENCE - 4/2017

The Assistant Executive Director of 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 Section 51 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the application for a Private Hire / Hackney Carriage 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 licences.

The Panel considered the written information submitted and heard the Licensing Manager's case. The Licensing Manager advised the Panel that the applicant had applied for a Private Hire / Hackney Carriage Driver's Licence on 8 August 2016. As part of the application process the applicant undertook a topographical test on 8 March 2017, which they did not pass. The applicant undertook a second topographical test on 12 April 2017. Approximately halfway through the examination the applicant asked to leave the room to use the bathroom and returned 10 minutes later.

On their return, the invigilator for the examination, a Regulatory Compliance Officer for TMBC, noticed the applicant acting suspiciously and observed them roll up their left sleeve and study their arm. The Regulatory Compliance Officer approached the applicant and saw a number of directions

written on their forearm. The Regulatory Compliance Officer asked the applicant to leave the room and hand in their examination paper.

The Regulatory Compliance Officer described the incident and the applicant's behaviour to the Panel. They told the Panel that the applicant acted in an aggressive manner and refused to leave the room. The Regulatory Compliance Officer had to seek the help of a manager who then escorted the applicant out of the building.

Having heard the Licensing's Manager's case and the witness statement the applicant and the Panel were provided with the opportunity to ask questions.

The applicant then addressed the Panel and apologised for their actions. The applicant explained the reasons why they cheated and told the Panel that they were disappointed as they needed a job.

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

At this juncture the applicant, the Licensing 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 resolved that they did not consider the applicant to be a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence.

RESOLVED:

That the application for Private Hire / Hackney Carriage Driver's Licence 4/2017 be refused.

8. URGENT ITEMS

There were no urgent items.

CHAIR