

SPEAKERS PANEL (LICENSING)

Tuesday, 20 March 2018

Commenced: 10.00 am

Terminated: 10.55 am

Present: Councillors Bray (Chair), Beeley, Buglass, Jackson, Sidebottom and Wild

In Attendance: John Gregory Regulatory Services Manager
Peter McCaughley Principal Solicitor General Law

Apologies for Absence: Councillors Reid, Fowler, D Lane, Sharif and F Travis

23. DECLARATIONS OF INTEREST

There were no declarations of interest.

24. MINUTES

The Minutes of the Speakers Panel (Licensing) meeting held on 23 January 2018 were approved and signed as a correct record.

25. 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 and would therefore be in breach of Data Protection principles.

26. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE - 10/2017

The Assistant Director of Operations and Neighbourhoods submitted a report requesting that the Panel determine whether the licence holder remained a fit and proper person to hold the relevant licences 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 Services Manager's case. They advised the Panel that the driver had held a Hackney Carriage driver's licence with Tameside Council since 1978. On 25 February 2018, the Licensing Department received a complaint from a member of the public relating to an incident that had occurred on 22 February 2018 on Ashton Road, Denton. The complainant had supplied video footage of the incident, which was shown to the Panel, and detailed the incident that occurred as the complainant was cycling south along Ashton Road towards Crown Point.

Consideration was given to the written statement from the complainant, which included a transcript of the conversation between the driver and the complainant. Consideration was also given to the notes from a discussion between the driver and the Licensing Manager held on 7 March 2018 to discuss the complaint.

The Manager outlined a number of complaints that had been received about the driver from customers / members of the public, one of which had resulted in a warning on their file and another had been considered by the Speakers Panel (Licensing) who issued the driver with a warning. The most recent complaints were from two cyclists in 2014. The Panel were told that following investigations into these complaints the driver was required to undertake a DVSA driving assessment, which they passed.

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

The driver's representative then addressed the Panel and gave a brief outline of what it was like to be a taxi driver. They told the Panel that the driver had been a taxi driver for 40 years and worked six days a week with an average of 20 fares each day. The representative asked that the small amount of complaints that had been received about the driver over many years be put into perspective against the vast amount of fares that the driver had undertaken. Although they appreciated that the footage that had been shown to the Panel was unfortunate the driver had learnt their lesson.

The driver then addressed the Panel and apologised for their actions. They provided their account of the incident and explained that the recording of the incident did not show the cyclist thumping their vehicle, which is why they had reacted the way they did. The driver explained that they had their own footage of the incident but had unfortunately not kept it. The driver added that they had undertaken driving courses and completed an NVQ.

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

At this juncture the driver, their representative and the Regulatory Services 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. The Panel had concerns about the nature of the driving on 22 February 2018 and in particular the way the driver had reacted to the incident. They were mindful that this was not the first complaint that had been received about the driver and there had been similar incidents in the past. They took into consideration the previous warning from the Licensing Department and also the appearance before the Speakers Panel (Licensing) in 2011 who also issued the driver with a warning.

The Panel made reference to the Council's Code of Conduct for Licensed Drivers, in particular that licence holders should "behave in a civil, professional and responsible manner at all times", "are expected to be polite and courteous at all times" and "must drive with care and due consideration for other road users and pedestrians".

In these circumstances the Panel could no longer be satisfied that the driver was a fit and proper person to hold a Hackney Carriage driver's licence and resolved that their Hackney Carriage driver's licence be revoked in accordance with section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

RESOLVED:

That the Hackney Carriage Driver's Licence 10/2017 be revoked.

27. URGENT ITEMS

There were no urgent items.

CHAIR