

SPEAKERS PANEL (LICENSING)

18 June 2019

Present: Councillors Chadwick, Drennan (Chair), Gosling (Deputy Chair), J Homer, S Homer, McNally, Sidebottom, Taylor and Ward

In Attendance: Aileen Johnson Head of Legal
Mike Robinson Regulatory Services Manager

1. APOLOGIES FOR ABSENCE

Apologies were received by Councillors Buglass, Hollinshead, Jackie Lane and Sharif.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

RESOLVED

That the minutes of the meeting of the Speakers Panel Licensing held on 19 March 2019 be approved as a correct record.

4. 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 1,2 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

5. APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - 4/2019

The Assistant Director of Operations and Neighbourhoods submitted a report requesting that the Panel determine whether the applicant was a fit and proper person to hold the relevant license in accordance with the provisions of Sections 51(1)(a) and 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted and heard the Regulatory Services Manager's case. He advised the Panel that the applicant applied for a Hackney Carriage and Private Hire Driver's Licence on 18 April 2019.

The Regulatory Services Manager informed the Speakers Panel that the applicant had declared a number of convictions on his application form dating back to 1990, including a failure to comply with a requirement of the Licensing Act 2003 whilst the designated premises holder at a public house on 15 December 2010; and, a conviction that a minor had been served alcohol in breach of the licensable activities on 29 March 2016.

The Speakers Panel considered the views of the applicant who addressed the Panel in relation to the Application. The Applicant advised the Panel of their previous employment history including having previously been a taxi driver between 1993- 2001. The applicant acknowledged the previous convictions including providing background to the reasons for contradicting the conditions of the liquor license previously held including issues with former employees. Addressing the case which led to a conviction in 2016, the applicant provided a detailed account of the incident, their role and the series of events that had unfolded thereafter.

The Regulatory Services Manager and the Panel were then provided with the opportunity to ask questions of the applicant. In response to queries raised, the applicant highlighted that they had taken a tests at Tameside College which had been passed. In relation to the conviction for serving a minor with alcohol whilst a designated premises holder the applicant advised the Panel that the premises had operated a challenge 21 policy and believed that the individual was over 18 years of age, based on her having held an 18th birthday party a year earlier on the premises with their parents present and their using a false identification.

The applicant 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.

Having considered all the information presented at the hearing and based on the evidence before them, the Panel determined that the applicant was a fit and proper person and resolved to grant the applicant a Private Hire and Hackney Carriage Driver's Licence.

RESOLVED

That the Hackney Carriage and Private Hire Driver's Licence 2019/4 be granted

6. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - 5/2019

The Assistant Director of Operations and Neighbourhoods submitted a report requesting that the Panel determine whether the applicant was a fit and proper person to hold the relevant license in accordance with the provisions of Sections 51(1)(a) and 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Panel considered the written information submitted and heard the Regulatory Services Manager's case. He advised the Panel that the applicant applied for a Hackney Carriage and Private Hire Driver's Licence on 17 September 2018.

The Regulatory Services Manager advised the Panel that the applicant had been previously licensed by Tameside Council, as a private hire driver, from 16 September 2014 until their licence was revoked, with immediate effect in the interests of public safety, on 22 November 2016. The applicant's license was revoked when the Licensing Department were made aware that the applicant had been disqualified from driving for a period of six months due to 'totting up' after accruing more than 12 penalty points within three year period. Having been banned from driving the applicant had failed to surrender their private hire driver license in breach of the conditions of the license.

The applicant addressed the Speaker Panel in relation to the application. The applicant informed the Panel they had been away following the conviction, returning the private hire driver license on receipt of notification from the Licensing Authority. The applicant stated they had been in shock as a result of the conviction and had been away to spend time with family members to recover from case and had not wilfully attempted to deceive the Licensing Authority.

The Regulatory Services Manager and the Panel were then provided with the opportunity to ask questions of the applicant. In response to queries raised, the applicant reiterated the reasons

previously stated for their failure to return the private hire driver license in breach of the conditions of the license.

The applicant 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 and based on the evidence before them, were concerned that not enough time had passed since disqualification from driving and the failure to return the private taxi driver license. The Panel considered that the published Tameside MBC Licensing Policy stated that in such circumstances the return of a license should be prohibited within five years.

RESOLVED

That the application for a Hackney Carriage and Private Hire Driver's Licence 2019/5 be refused.

7. REVIEW OF A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - 6/2019

The Assistant Director of Operations and Neighbourhoods submitted a report requesting that the Panel determine whether the applicant was a fit and proper person to hold the relevant license in accordance with the provisions of Sections 51(1)(a) and 59 (1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The Speakers Panel were informed that the applicant was not in attendance although had been advised of the hearing in accordance with statutory requirements.

RESOLVED

That consideration of the application be postponed to a future meeting to allow further representation from the applicant.