

SPEAKERS PANEL (LICENSING)

19 November 2019

Present: Councillors Drennan (Chair), Gosling (Vice-Chair), J Homer, S Homer, McNally, Quinn, Taylor and Ward

In Attendance:

Apologies for Absence: Councillors Buglass, Chadwick, J Lane, Sharif and Sidebottom

1. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members.

2. MINUTES

RESOLVED

That the minutes of the meeting of the Speakers Panel (Licensing) held on 17 September 2019, be approved 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 / applicant and would therefore be in breach of Data Protection principles.

4. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE - 09/19

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 1992. On 3 September 2019 the Licensing Manager received a phone call from a Detective working for Greater Manchester Police notifying him that credible information had been received that the driver had uploaded indecent material to the internet

The Panel considered the written information submitted and heard the driver's case. The Panel were informed that in May 2019 the driver had given access to their phone to a child whom, unknown to themselves, had attempted to upload a video. Investigation had been undertaken by Greater Manchester Police and relevant Authorities but no charges had been brought forward.

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

At this juncture the applicant, their brother, the Licensing Manager and the Regulatory Support 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 with reference to the relevant section of the Local Authority's Convictions Policy resolved that the Private Hire Driver's Licence .hat the driver continued to be a fit and proper person to hold a private hire licence in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

RESOLVED:

That the holder of the Private Hire Driver's Licence 09/19, continues to be a fit and proper person to hold a private hire licence.

5. REVIEW OF A PRIVATE HIRE DRIVERS LICENCE - 10/19

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 1998. The Panel were informed that on 2 October 2019 the Regulatory Services Manager received an email from Tameside MBC legal services informing him of an incident at a local High School involving a member of their staff and a Tameside Licensed driver. Following the incident a letter had been sent from the School to the driver stating that they were banned from being on the school grounds with a copy of the letter provided for the Panel. The incident had been captured on the school's CCTV cameras and the footage was shown to the Panel.

The Panel considered the written information submitted and heard the driver's case. The driver stated that whilst erecting an access ramp from their vehicle, they had sought to ensure that a passing member of school staff did not collide with the ramp and in doing so had touched her. Although there was no intention of touching the member of staff in an inappropriate way it was understood that it could have been interpreted in such a way.

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

At this juncture the applicant, their brother, the Licensing Manager and the Regulatory Support 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 with reference to the relevant section of the Local Authority's Convictions Policy resolved that the Private Hire Driver's Licence .hat the driver continued to be a fit and proper person to hold a private hire licence in accordance with section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

RESOLVED:

That the holder of the Private Hire Driver's Licence 10/19, continues to be a fit and proper person to hold a private hire licence.

6. URGENT ITEMS

There were no urgent items for consideration.