

SPEAKERS PANEL (LICENSING)

18 August 2020

Commenced: 10.00 am

Terminated: 10.45 am

Present: Councillors Drennan (Chair), Gosling (Deputy-Chair), J Homer, Lane, McNally, Quinn, Sharif, Taylor and Ward

In Attendance: Margaret Warner Principal Solicitor - General Law
Mike Robinson Regulatory Services Manager (Licensing)
James Horton Regulatory Compliance Officer (Licensing)

Apologies for Absence: Councillors S Homer and Chadwick

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The Minutes of the Speaker's Panel (Licensing) meeting held on 17 March 2020 were agreed 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 applicant and would therefore be in breach of Data Protection principles.

4. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE - 2/2020

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 licence in accordance with the provisions of Section 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 had applied for a Private Hire Driver's Licence on 19 April 2020. As part of the Hackney Carriage and Private Hire Driver application process, the Licensing Department carried out criminal background checks with the Disclosure and Barring Service (DBS). The DBS certificate received on 26 June 2020 showed that the applicant had five criminal convictions and one police caution.

The Panel were further informed that the applicant attended the Licensing Office on 14 July 2020 to discuss the offences with the Regulatory Compliance Officer. During this meeting the applicant

explained the circumstances around each conviction, which included interfering with a vehicle, damaging property, possessing controlled drugs with intent to supply and failure to produce a pre-paid ticket when leaving a railway station. In addition, the applicant had received a police caution for an offence of assault, during a domestic incident with a former partner.

The Panel were also made aware of the following sections from the Local Authority's Convictions Policy:-

GENERAL POLICY

5. *A person with a conviction for a serious offence or a number of separate offences need not be automatically barred from obtaining a licence, but would normally be expected to:*
 - a. *Remain free of conviction for an appropriate period, which will depend on the nature of the offence(s); and*
 - b. *Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to provide such evidence).*

Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

6. *In certain situations it may be appropriate to depart from the general policy. For example, where the offence is an isolated one with mitigating circumstances or where a conviction defaults out of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves murder, manslaughter or sexual offences, a licence will normally be refused.*

The applicant then addressed the Panel and advised that they had applied for a role at Tameside Hospital but had been refused the job due to the convictions detailed on their enhanced DBS certificate. However, the applicant was currently working as a production operative and had been employed since 2018. The applicant acknowledged all of the previous convictions and stated that these had occurred during a particularly turbulent period in their life. The applicant explained that they did not know their father whilst growing up, lived with their grandparents until the age of nine and left their mother's home at the age of 13. As a young person the applicant had taken drugs with friends but deeply regretted their actions and no longer used drugs. Addressing the convictions and police caution, the applicant apologised for their past actions and hoped the Panel could see past the offences listed on their DBS certificate.

The Regulatory Services Manager and the Panel were then provided with the opportunity to ask the applicant questions.

In response to the queries raised, the applicant explained that they had not used drugs for the past six years. In relation to the police caution received in 2011 for a violent offence, the applicant advised the Panel that this occurred during a domestic incident with a former partner who was intoxicated. The applicant claimed that they had been defending themselves from their partner and chose to accept a caution for their part in the incident.

In summary, the applicant stated that they were very sorry for their previous actions and had worked hard over the last nine years to turn their life around. The applicant explained that they had a new partner and full custody of their three daughters and hoped to work hard to set a good example to them as they grew up.

At this juncture the applicant, the Regulatory Services Manager and the Regulatory Compliance Officer left the meeting whilst the Panel deliberated on the application. 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.

In determining the application the Panel considered all the information presented at the hearing and the very serious nature of the incident. Members of the Panel noted that the applicant had made a genuine effort to turn their life around and had also been given full custody of their three children. It was further noted that it had been nine years since the applicant's last conviction and the Panel accepted that they were remorseful in respect of their past actions. The Panel also took into account that the applicant had disclosed all of their previous convictions on the application form and had remained free from drugs for approximately six years.

The Panel determined that they were satisfied that the applicant was a fit and proper person to hold a Private Hire Vehicle Licence and it was:-

RESOLVED

That the application for a Private Hire Driver's Licence 2/2020 be granted.

5. URGENT ITEMS

There were no urgent items for consideration.