

## LICENSING AND SAFETY COMMITTEE (SPECIAL MEETING)

3 June 2005

Present: Councillor R Snape (Chairman), Councillors David Dickinson, Mrs D Dickinson, T Gray, Mrs M Lees, McGowan, Mrs I Smith, E Smith and Mrs Walsh.

### 05.LS.39 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Miss Iddon (Vice-Chair), and Councillors Bedford, Lennox and Walker.

### 05.LS.40 DISCLOSURE OF PERSONAL/PREJUDICIAL INTERESTS

No Member declared an interest in relation to matters under consideration at the meeting.

### 05.LS.41 MINUTES

**RESOLVED - That the minutes of the meeting of the Licensing and Safety Committee held on 29 April 2005 be received as a correct record and signed by the Chairman.**

### 05.LS.42 EXCLUSION OF PRESS AND PUBLIC

**RESOLVED - That the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972.**

### 05.LS.43 PRIVATE HIRE LICENSED OPERATOR - NON COMPLIANCE WITH CONDITIONS OF LICENCE

The Committee received a report of the Director of Legal Services bringing to the attention of the Committee continuing problems relating to a Private Hire Operator in the name of MA.

The report indicated that MA had held the operators licence since 2 February 2005. The licence had previously been held by RS until February 2005 until it was revoked by the Committee in October 2004.

Following receipt of a complaint on 16 May 2005 officers investigating had found it was not possible to contact the licence holder MA with letters sent to the operators base. No response was received to these letters and officers had been unable to gain access to the operators base to follow up the complaint as the premises were closed until 4.00pm and after that time officers had been told that they could not enter the premises as it would mean passing through the food preparation area on the ground floor of the premises.

Following a letter delivered to the house of MA he attended an interview with the Enforcement Officer at the Union Street offices. The Enforcement Officer was of the view that MA had little or no understanding of his responsibilities as a licensed operator and also indicated that the previous licensed operator RS had sole control of the business.

The Committee was informed that it was a condition of a private hire operator's licence that the operator on receiving a complaint should notify the complainant of his right to forward the complaint to the Council. In addition the operator must investigate the complaint immediately and notify the complainant of the outcome. If the complaint is investigated by an authorised officer of the Council, the operator must conform to any direction of the officer.

In addition to the failure to deal with the complaint, MA's lack of apparent involvement in the operation of the firm raised concerns as to whether he was a fit and proper person to continue to hold an Operator's Licence.

RS, MA along with his interpreter and a representative, attended the meeting to put forward representation in support of retaining the Private Hire Operator's Licence.

**RESOLVED - That MA continues to hold a private hire operators licence as the Committee considers him to be a fit and proper person but that a strongly written letter be sent to him stating that the Committee was unhappy with the running of the business and that the conditions of the licence must be adhered to at all times, including making access for officers to attend the operating base at all times.**

Chairman