

MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Wednesday, 14 February 2018

MEMBERS PRESENT: Councillor Marion Lowe (Chair), Councillor Matthew Lynch (Vice-Chair) and Councillors Aaron Beaver, Jean Cronshaw, Doreen Dickinson, Gordon France, Margaret France, Tom Gray, Roy Lees, Sheila Long, Adrian Lowe, Mick Muncaster, Debra Platt and Ralph Snape

OFFICERS: Lesley Miller (Regulatory Services Manager), Jenette Hicks (Lead Licensing Enforcement Officer), Carl Gore (Empty Properties and Enforcement Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillor Kim Snape and John Walker

OTHER MEMBERS: Councillor Joyce Snape

18.LPS.88 Minutes of meeting Wednesday, 15 November 2017 of Licensing and Public Safety Committee

RESOLVED – That the minutes of the Licensing and Public Safety Committee held on Wednesday, 15 November 2017 be confirmed as a correct record for signature by the Chair.

18.LPS.89 Declarations of Any Interests

No declarations of any interests were received.

18.LPS.90 Minutes of the General Licensing Sub-Committees

RESOLVED – That the minutes of the General Licensing Sub-Committees held on 6 December 2017, 18 December 2017 and 17 January 2018 be confirmed as a correct record.

18.LPS.91 Minutes of the Licensing Act 2003 Sub-Committees

RESOLVED – That the minutes of the Licensing Act 2003 Sub-Committee held on 15 November 2017 be confirmed as a correct record.

18.LPS.92 Allocation of a Hackney Carriage Vehicle Licence

The Director of Early Intervention and Support submitted a report informing members of the expressions of interest received for a wheelchair accessible (WAV) motor

hackney vehicle licence and invited the Committee to undertake a Tombola style selection to identify the preferential order in which the expressions of interest should be considered.

Following on from the report considered by the Committee on 19 July 2017, the Regulatory Services Manager wrote to 89 licence holders who may have met the criteria; the compliance with the criteria could not be fully assessed at this stage. Forms for completion and deadline dates were provided in respect of return of expressions of interest. All received expressions of interest were returned within the required timescales.

The returned expressions of interest were considered against the Guidance and criteria provided in Appendix 1 of the report. A total of thirteen expressions of interest forms were returned, one of which was rejected as it did not meet the criteria in that the person had not held a relevant licence for the required three year period.

Persons who submitted expressions of interest which complied with the assessed eligibility criteria were notified in writing. The one person who appeared to not have held a licence for the prerequisite time was also written to explaining the reason for the exclusion and the person concerned was offered the opportunity to provide further information demonstrating that they did in fact meet the eligibility criteria. Members were informed at the meeting that additional support had been offered but it was ultimately considered to not be a valid expression of interest.

The Lead Licensing Enforcement Officer informed members that the WAV vehicle conditions in the guidance (Appendix 1) did not reflect the standard WAV conditions. In this case, this related to the criteria preventing the use of rear loading/access doors. This was an oversight when producing the criteria, as this restriction for WAV's was removed in the updated vehicle conditions in 2016.

Members of the Committee agreed that the tombola draw be undertaken, and in a way that all the expressions of interest were drawn to provide an audit trail to demonstrate that all valid expressions of interest had been entered. Therefore, all twelve expressions of interest were drawn in the tombola and selected as follows;

1. Makbul Hussain
2. Siraj Jiva
3. Shamail Iyaz Ahmed
4. Habij Miah
5. Shakail Ahmed
6. Yellow Cabs (North West) Limited
7. Hussain Mama Assan
8. Yaseer Siddique
9. Fazail Iyaz Ahmed
10. Ali Hassan
11. Usman Iyaz Ahmed
12. Fazeel Ahmed

Members were reminded that the report considered and approved by the Licensing and Public Safety Committee in July 2017 was clear that the process would only consider the first three people drawn as part of any subsequent application process. In the unlikely scenario that the first three failed to meet the Council's requirements, the entire process would be re-run. This would ensure that anyone who might become

eligible in the intervening period be given the same opportunity to submit an expression of interest. The first three people selected in the draw were as follows;

1. Mr Makbul Hussain
2. Mr Siraj Jiva
3. Mr Shamail Iyaz Ahmed

Following this, the 12 persons who submitted valid expressions of interest and were included in the draw would be contacted and provided with the outcome.

In the first instance, Mr Hussain would be invited to make an application for a hackney carriage vehicle licence, in accordance with the vehicle specification and proprietor requirements. In the event of Mr Hussain not completing the application process within the required period and/or not meeting the Council's requirements, Mr Jiva would be invited to make an application and likewise, Mr Ahmed would receive the final invitation if Mr Jiva was unable to fulfil the requirements. The entire process would be re-run if all failed to successfully apply for the licence.

In any instance where an applicant came across an issue that was outside their control which could delay their application a decision would be taken in consultation with the Chair and Vice-Chair as to whether to permit a time extension to submit their application.

After careful consideration members **RESOLVED (unanimously);**

- 1. To note the information contained in the report and were satisfied that the correct process had been followed to undertake a Tombola style selection.**
- 2. That the tombola draw be undertaken and the all expressions of interest be drawn to provide an audit trail.**
- 3. To agree that the assessment of compliance with the criteria in relation to pending convictions is considered at the time of an application. That the assessment of compliance will be by means of a basic disclosure, a DVLA licence check and a fully completed statutory declaration; all of which must be submitted as part of the application and dated within 2 months prior to the date of application.**
- 4. To accept the change to the guidance and criteria in Appendix 1, as highlighted, where the WAV vehicle conditions in this guidance do not reflect the standard WAV conditions. In this case, this related to the criteria preventing the use of rear loading/access doors.**

Chair

Date