

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 14th FEBRUARY, 2017

Present – Councillors Murray (Chairman), Chadwick, Mrs Fairclough, Greenhalgh, Haslam, Haworth, McKeon, Martin, Richardson, Sherrington (as deputy for Councillor Gillies), Watters, Whitehead and P. Wild,

Apologies for absence were received from Councillors Donaghy and Gillies.

Councillor Murray in the Chair.

47. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 10th January, 2016 were submitted.

Resolved – That the minutes of the previous meeting be agreed and signed as a correct record.

**48. MINUTES OF THE LICENSING SUB-COMMITTEE
(SENSITIVE CASES)**

The minutes of a meeting of the Licensing Sub-Committee (Sensitive Cases) held on 11th January, 2017 were submitted.

Resolved – That the minutes be agreed and signed as a correct record.

**Licensing and Environmental Regulation Committee
(Acting as Licensing Act, 2003 Committee)**

No items

49. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting

for the following items of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 (financial and business affairs) of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in its exemption outweighs the public interest in its disclosure.

50. APPLICATION TO EXTEND A HACKNEY CARRIAGE VEHICLE LICENCE LER/07/17

The Director of Place submitted a report which asked the Committee to give consideration to an application which had been received which sought approval for a hackney carriage to be licensed beyond the permitted 15 year period for a further year.

The vehicle was first registered in September, 2000.

The applicant and his representative attended the meeting and provided supporting information.

Resolved – That in the exceptional circumstances of the case and in view of the exceptional condition of the vehicle, the Committee is prepared for the policy regarding the maximum 15 year age not to be applied for a further six months from 14th September, 2017 and that the vehicle be subject to two further examinations during this additional period.

51. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/04/17

The Director of Place submitted a report which set out details of an application which had been received for the grant of a private hire drivers licence. The driver had submitted his application to renew his licence after the expiry date and therefore could not be treated as a renewal.

The Applicant did not attend the meeting and had indicated that he was happy for the Committee to go ahead and consider the matter.

Resolved – That consideration of this matter be deferred to a future meeting when the applicant is present as the Committee particularly wish to seek information on the medical issue.

52. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/05/17

The Director of Place submitted a report which set out details of an application which had been received for the grant of a private hire drivers licence.

The Applicant attended the meeting.

The Committee gave careful consideration to the information provided in the report and the verbal details from the Licensing Officer.

Resolved – That the application for a licence to drive a private hire vehicle be not granted on the basis that the Committee is not satisfied that the driver is a fit and proper person to hold a licence at this time.

Following consideration of all the evidence the Committee noted that the applicant had a conviction for using a mobile phone whilst driving and two speeding convictions.

Drivers are placed in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

In coming to its decision, the Committee specifically also took account of, viz –

- The applicant had a conviction for breach of requirements as to control of the vehicle, mobile phones from August, 2015, exceeding the speed limit on a motorway from August, 2015 and exceeding the statutory speed limit on a public road from 2009;

- The applicant failed to declare the above convictions on his application form;
- The Council's Policy states that a person with two or more intermediate traffic offences where the conviction dates are less than three years would normally mean that a person applying for a licence will have their licence refused. Both the offences from 2015 are under the three year threshold.

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety and wellbeing to private hire drivers. Passengers often travel alone and are vulnerable to inappropriate behaviour.

There is therefore reasonable cause to refuse to grant the application.

52. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/06/17

The Director of Place submitted a report which set out details of an application which had been received for the grant of a private hire drivers licence.

The Applicant attended the meeting.

The Committee gave careful consideration to the information provided in the report and the verbal details from the Licensing Officer. Also considered was tabled updated medical evidence which indicated that the medical issue had now been resolved.

Resolved – That the application for a licence to drive a private hire vehicle be not granted on the basis that the Committee is not satisfied that the driver is a fit and proper person to hold a licence at this time.

Following consideration of all the evidence the Committee noted that the applicant had a conviction for robbery from 2009, two previous convictions for failure to surrender for custody from 2007 and 2005 and two convictions for destroy or damage of property from 2005 and 2007.

Drivers are placed in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

In coming to its decision, the Committee specifically also took account of, viz –

- The applicant's conviction for robbery in 2009 which resulted in imprisonment for 4 years, two other offences of violence from 2005 and 2007 and two convictions for failing to surrender to custody from 2005 and 2007;
- Matters concerning the Council's policy and that a person who has a conviction date of less than 10 years for violent offences would normally have their application refused and the offence from 2009 is under this threshold. Also the applicant was imprisoned for four years and the policy indicates that where the penalty applied to a violent offence and was a custodial sentence, the ten year period would commence at the end of the custodial period.
- The Committee considered various tabled character references which the Committee gave limited weight to.

Members of the public and in particular, the elderly, infirm and children or vulnerable adults entrust their personal safety and wellbeing to private hire drivers. Passengers often travel alone and are vulnerable to inappropriate behaviour.

There is therefore reasonable cause to refuse to grant the application.

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(The meeting started at 2.00pm and finished at 4.37pm)