

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 14TH APRIL, 2015

Present – Councillors A. Connell (Chairman), Jones (Vice-Chairman), Allen (as deputy for Councillor Haslam), D. Burrows, Bury, J. Byrne, L. Byrne, Chadwick, Mrs Fairclough, Hall, Haworth, Morris (as deputy for Councillor Murray), Mrs. Swarbrick and Wild.

Councillor A. Connell in the Chair.

Apologies for absence were received from Councillors Greenhalgh, Haslam and Murray.

41. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Committee held on 17th March, 2015 were submitted.

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

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

The minutes of the proceedings of the Licensing Sub-Committee (Sensitive Cases) held on 25th March, 2015 were submitted.

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

**43. LICENSING ENFORCEMENT TEAM ACTIVITIES,
JANUARY TO DECEMBER, 2014**

The Director of Environmental Services submitted a report which set out details of the various Licensing enforcement Team activities for the period January to December, 2014.

C2

The report set out details of the specific enforcement approach taken and included matters concerning –

underage sales checks of on and off licensed premises;
vehicle spot checks;
approved garages;
plying for hire operations;
operator inspections;
visits to licensed premises;
cars for sale on the highway; and
matters around decisions taken at Committee and by officers.

The report also asked members to consider the issue of payments to the Greater Manchester Police in order for them to prioritise and conduct various vehicle spot check operations. It was explained that Manchester City Council have such a policy.

Resolved – (i) That the report and the enforcement activities be noted.

(ii) That in relation to the issue of payment to the Greater Manchester Police for enforcement activities, the Director of Environmental Services be asked to glean additional information from other Greater Manchester Authorities.

(iii) That the Director of Environmental Services be asked to furnish members of this Committee with statistical information regarding the late renewal of private hire and hackney carriage vehicle licences and the reasons for these instances.

44. APPLICATION FOR A PERMIT FOR AMUSEMENT WITH PRIZES (AWP) GAMING MACHINES

The Director of Environmental Services submitted a report which set out details of an application for a permit for Amusement with Prizes (AWP) gaming machines in a public house.

C3

By way of background information, the report explained that the Licensing Team had received an application which related to Horwich Park Inn, 1 Arena Approach, Horwich, Bolton. BL6 6LB.

The application had been submitted by Poppleston Allen on behalf of the licence holder Mitchells and Butlers.

The application was for a new permit and requested permission for two category C machines and one category D machine.

The Committee were advised that no complaints concerning the presence or the operation of the existing machines had been received.

The permit duration was indefinite and it was linked to the Licensing Act, 2003 Premises Licence.

Resolved – That the application for a new Gaming Machine Permit in relation to the Horwich Inn, 1, Arena Approach, Horwich, Bolton be granted as set out in the report.

45. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section 100A(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.

46. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/10/15

The Director of Environmental Services submitted a report which set out details of a complaint which had been received against a private hire driver during the period of his licence.

The driver, his representative, a witness and a supporter attended the meeting.

The complainant and his witness also attended the meeting.

Mrs Pritchard, Principal Licensing Officer also attended.

The representative of the driver requested that consideration of the matter be deferred as he had only just had sight of the papers due to the driver's solicitor now being unavailable.

Resolved – That consideration of this matter be deferred until a future meeting of this Committee.

47. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/11/15

The Director of Environmental Services submitted a report which set out details of a complaint which had been received against a private hire driver during the period of his licence.

The driver attended the meeting.

The Committee heard representations both verbally and in writing from Mrs Pritchard, Principal Licensing Officer and verbally from the driver.

The Committee gave careful consideration to the information provided in the report and on questioning the evidence from the driver.

Resolved – That the licence to drive a private hire vehicle be revoked 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.

In coming to its decision the Committee was mindful of its duty to protect the public and the offences related to the possession

of drugs and using a vehicle without insurance.

Following consideration of all the evidence the Committee find that the driver did possess Class B cannabis drugs and used a vehicle without insurance and was convicted of these offences in court. Drivers are placed in a position of trust and have a duty to conduct themselves in a professional manner at all times.

The Committee, in coming to its decision, specifically also took account of, viz-

- The Police information concerning the Convictions;
- The pattern of drug possession and the previous caution given to the driver by the Police in 2014;
- The driver's admission of the offences of the possession of Class B drugs from 2014 and from March, 2015 and the driving of a vehicle without insurance;
- The Council's Licensing Policy relating to drug possession and that an application will normally be refused where the applicant has more than one conviction for offences relating to possession of drugs until a conviction free period of at least five years had elapsed. An application from an applicant who has a single conviction for an offence relating to the possession of drugs will normally be refused until a conviction free period of at least three years has elapsed; and
- The use of drugs has a tendency to make people unpredictable, unreliable and sometimes violent. Driving whilst under the influence of drugs is illegal and dangerous not only to the driver but also to passengers and other road users. In addition, private hire and hackney carriage drivers are in a position where they could easily become involved in the transportation and / or supply of drugs by the very nature of the activity.

The Committee's primary duty is of concern for the safety and wellbeing of the public and this includes the most vulnerable in the community and the driver would be working in an unsupervised environment.

C6

There is reasonable cause to revoke the licence with immediate effect under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act, 1976 in the interests of public safety.

(The meeting started at 1.30pm and finished at 2.27pm)