

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 9TH JANUARY, 2018

Present – Councillors Donaghy (Chairman), Murray (Vice-Chairman), L. Byrne, Chadwick, Mrs Fairclough, Gillies, Greenhalgh, Haslam, Haworth, McKeon, Newall, Richardson (as deputy for Councillor Gibbon), Watters and P.Wild.

(An apology for absence was submitted by Councillor Gibbon)

Councillor Donaghy in the Chair.

72. MINUTES OF PREVIOUS MEETING

The minutes of previous meetings held on 12th December, 2017 were submitted and signed as a correct record.

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

The minutes of the proceedings of the meeting of the Licensing Sub-Committee (Sensitive Cases) held on 1st December, 2017 were submitted and signed as a correct record.

The following item was considered by the Licensing and Environmental Regulation Committee acting as the Licensing Act, 2003 Committee.

**74. APPLICATION TO VARY AN EXISTING LICENCE
PREMISES GAMING MACHINE PERMIT**

The Director of Place submitted a report which set out details of an application which had been received to vary an existing gaming machine permit for amusement with prizes (AWP) in a public house, which holds a premises licence issued under the Licensing Act, 2003.

The application related to the premises that traded as Reflex @ The Elephant and Castle, 4-10 Deansgate, Bolton and had been submitted by Popplestone Allen Solicitors in Nottingham

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on behalf of the premises licence holder, Stonegate Pub Company Ltd in Luton.

The application was to vary the existing permit and requested permission to increase the number of Category C machines from 6 to 7.

No complaints concerning the presence or the operation of the existing machines in the premises had been received by the Licensing Team.

Resolved – That consideration of this application be deferred pending further clarification of the details and also the applicant be invited to attend at a future meeting when this is considered.

75. 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.

76. MISCONDUCT BY LICENSED HACKNEY CARRIAGE DRIVER LER/02/18

The Director of Place submitted report which set out details of a complaint which had been received in relation to a licenced hackney carriage driver. The report went onto set out details of a complaint.

The driver and his representative attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the driver be issued with a warning letter regarding the need to act in a professional and appropriate manner at all times.

Following consideration of all the evidence the Committee noted that the driver had admitted making, a rude gesture to an Emergency Care Assistant . Drivers are placed in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

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 whenever they take a journey. Passengers often travel alone and are vulnerable to inappropriate behaviour.

The Committee's primary duty is of concern for the safety and well-being of the public.

There is therefore reasonable cause to issue the driver with a warning letter.

77. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/03/18

The Director of Place submitted report which set out details of an application which had been received for a licence to drive a private hire vehicle. The report went onto set out details of the applicants convictions.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the application for a licence to drive a private hire vehicle be refused 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.

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Following consideration of all the evidence the Committee noted that the driver had two convictions for dishonesty. Drivers are conspiracy, as outlined by the applicant took account of the following –

- The applicant had a conviction for conspiracy to defraud and a conviction for wilful making a sworn witness or interpreter of a false or untrue statement from 2009, both resulted in prison sentences. The applicant failed to declare the latter of the two convictions on his application form. The Council's Licensing Policy indicates that where a person has more than one conviction for dishonesty a period of 10 years should have elapsed prior to the consideration of the granting of a licence. This period of time had not yet elapsed. Furthermore, where the penalty applied to a dishonest offence was a custodial sentence, the period specified above commences after the end of the custodial sentence which in this case is 2010.
- The Committee were most concerned given the circumstances around the conspiracy offence, the number of people involved and the value of the conspiracy, as outlined by the applicant.

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 whenever they take a journey. Passengers often travel alone and are vulnerable to inappropriate behaviour.

The Committee's primary duty is of concern for the safety and well-being of the public.

There is therefore reasonable cause to refuse to grant the private hire drivers licence.

78. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/04/18

The Director of Place submitted report which set out details of an application which had been received for a licence to drive a private hire vehicle. The report went onto set out details of the applicants convictions.

The driver attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the application for a licence to drive a private hire vehicle be refused 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 driver had three convictions for dishonesty. Drivers are placed in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

The Committee also took account of the following –

- The applicant had three convictions for dishonesty, the last one being in June, 2008. The Council's Licensing Policy indicates that where a person has more than one conviction for dishonesty a period of 10 years should have elapsed prior to the consideration of the granting of a licence.
- The Committee were concerned at the pattern of previous dishonesty offences and the applicant would be working in an unsupervised environment.

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 whenever they take a journey. Passengers often travel alone and are vulnerable to inappropriate behaviour.

The Committee's primary duty is of concern for the safety and well-being of the public.

There is therefore reasonable cause to refuse to grant the private hire drivers licence.

79. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/05/18

The Director of Place submitted report which set out details of an application which had been received to renew a licence to drive a private hire vehicle. The report went onto set out details of the applicant's conviction.

The driver attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the application to renew a licence to drive a private hire vehicle be granted, subject to the standard conditions.

(The meeting started at 2.00pm and finished at 4.56pm)