

## **LICENSING AND ENVIRONMENTAL REGULATION COMMITTEE**

MEETING, 12<sup>th</sup> JANUARY, 2016

Present – Councillors Donaghy (Chairman), Haworth (Vice-Chairman), C. Burrows, L. Byrne, Chadwick, Harkin (as deputy for Councillor Murray), Graham, Greenhalgh, Haslam, Kirk-Robinson (as deputy for Councillor Mrs Fairclough), Martin, Richardson, Watters and Wild.

Councillor Donaghy in the Chair.

### **45. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of a meeting of the Committee held on 15<sup>th</sup> December, 2015 were submitted.

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

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

The minutes of the proceedings of meetings held on 18<sup>th</sup> December, 2015 were submitted.

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

### **47. LICENSING SERVICE DEVELOPMENT**

The Director of Place submitted a report which set out proposed Licensing Service Developments, 2015/17.

Members were reminded that the recent review of fees was carried out during 2015/16 and a number of decisions were taken to –

- introduce a new fee structure for locally set fees;
- phase the introduction of fees for existing licence holders;

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- introduce new licence periods for vehicles, drivers and private hire operators; and
- introduce a policy for shorter licences to be issued where appropriate.

Members were also informed that a number of proposals had been developed to reflect the council's aspirations to improve digital access to services and reduce burden on business.

The report specifically went onto focus on the following –

- 3 year licence phasing;
- Digital developments;
- The 12 month vehicle licence;
- Licence processing times;
- The timetable of the decision process;
- Failure to maintain payment plans;
- Cost savings; and
- On line / live DBS.

Resolved – That approval be given to the proposed developments to the Licensing Service together with proposals in relation to locally set fees, as set out in the report.

### **48. 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.

#### **49. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/01/16**

The Director of Environmental Services submitted a report which set out details of an application which had been received for a licence to drive a private hire vehicle.

The driver and his legal representative attended the meeting.

The Committee heard verbal representations from Mrs Clyne, Principal Licensing Officer.

The meeting gave careful consideration to all the evidence and the submissions made.

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 applicant was convicted in 2012 of causing death by careless or inconsiderate driving and this Committee decided to revoke his drivers licences in February, 2013. 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 serious nature of the conviction of causing death by careless or inconsiderate driving and the applicant's acceptance of guilt;
- Guidance relating to Bolton Council's Licensing Policy in particular regarding serious traffic offences and that in cases where the driver had been disqualified from driving the application would generally be refused unless a period of at least three years had elapsed from the restoration of the UK driving licence by the DVLA free of conviction and the licence was only restored in

September, 2013. Also members considered the mitigation and decided that there was no reason to depart from the policy; and

- The driver's poor driving record.

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.

The applicant also tabled various references in support of the application and the Committee read and considered these and found them to carry limited weight.

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

#### **50. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/02/16**

The Director of Environmental Services submitted a report which set out details of an application which had been received for a licence to drive a private hire vehicle.

The driver attended the meeting.

The Committee heard verbal representations from Mrs Clyne, Principal Licensing Officer.

The meeting gave careful consideration to all the evidence and the submissions made.

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 applicant was convicted in 2013 of conspiring / assisting unlawful immigration into EU member state – contrary to the Immigration Act, 1971. 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 serious nature of the conviction which involved the arranging of nine sham marriages for Indian nationals although the applicant denied having knowledge of assisting in unlawful immigration and stated he only provided individuals a lift on two occasions, for petrol money which the Committee did not find credible ;
- The fact that the applicant was only released from prison in April, 2014 after serving a 32 month sentence and was under the care of the probation service until November, 2015 and there being a very short conviction free period;
- The amount of the confiscation award against the Applicant which was £30,000 which suggested that the Applicant had significantly benefited from his crimes; and
- Matters concerning the Council's policy guidance in cases of dishonesty.

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 and the applicant would be working in an unsupervised environment.

The Committee found that the applicant's assertion of a refusal to grant a licence would have a detrimental impact on his family to be an irrelevant consideration.

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

**51. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/03/16**

The Director of Environmental Services submitted a report which set out details of an application which had been received for a licence to drive a private hire vehicle.

The driver attended the meeting.

The Committee heard verbal representations from Mrs Clyne, Principal Licensing Officer.

The meeting gave careful consideration to all the evidence and the submissions made.

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

**52. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/04/16**

The Director of Environmental Services submitted a report which set out details of the misconduct of a driver licensed to drive a private hire vehicle.

The driver did not attend the meeting.

The Committee heard verbal representations from Mrs Clyne, Principal Licensing Officer.

The meeting gave careful consideration to all the evidence and the submissions made.

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.

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Following consideration of all the evidence the Committee noted that the driver had been convicted in October, 2015 of causing serious injury by dangerous driving.

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 serious nature of the conviction which resulted in a two year prison sentence and a 30 month driving disqualification;
- The fact that the offence took place whilst the driver was acting as a taxi driver and whilst he was carrying passengers;
- The very recent nature of the offence and the significant prison sentence; and
- The driver did not declare the conviction in accordance with the conditions of his licence.

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.

There is therefore 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 3.00pm and finished at 5.35pm)