

**LICENSING AND ENVIRONMENTAL REGULATION  
COMMITTEE**

MEETING, 8<sup>TH</sup> JANUARY, 2019

Present – Councillors Murray (Chairman), Haworth (Vice-Chairman) Abdullah (as deputy for Councillor Morris), Donaghy, Galloway (as deputy for Councillor Mrs Fairclough), Gillies, Greenhalgh, Haslam, Khurram, Kirk-Robinson (as deputy for Councillor P. Wild), McKeon and Sanders.

Apologies for absence were submitted on behalf of Councillors Mrs. Fairclough, Gibbon, Morris and P. Wild.

Councillor Haworth in the Chair.

**40. MINUTES OF THE LAST MEETING**

The minutes of the proceedings of the Committee held on 11th December 2018 were submitted and signed as a correct record.

**41. 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 they involve 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.

**42. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE  
HIRE VEHICLE LER/02/19**

(Councillor Gillies declared an interest in the following item and left the meeting taking no part in the discussions or vote thereon)

## C2

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had a previous misconduct matter.

The report outlined the full details of the misconduct matter by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor McKeon and Seconded by Councillor Kirk-Robinson that the application be granted, subject to the standard conditions as set out in the report.

For the Motion, viz-

Councillors Donaghy, Haworth, Khurram, McKeon, Murray, Abdullah, Galloway, Greenhalgh, Haslam, Kirk-Robinson and Sanders.

Against the Motion, Viz - 0

Abstain, Viz – 0

The Motion was declared carried.

### **43. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/03/19**

The Director of Place submitted a report which gave details of a misconduct matter in relation to a driver licensed to drive a private hire vehicle.

This matter was deferred from 27<sup>th</sup> November 2018 for further enquiries as driver unsure whether he had been convicted for plying for hire in addition to the no insurance.

### C3

The report outlined the full details of the misconduct matter by the driver.

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

The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor Kirk-Robinson and Seconded by Councillor Donaghy that the licence be revoked.

An amendment was moved by Councillor Haworth and seconded by Councillor McKeon that the licence to drive a private hire vehicle be suspended for a period of 10 weeks.

For the Motion, viz-

Councillors Gillies, Haworth, McKeon and Abdullah.

Against the Motion, Viz -

Councillors Donaghy, Khurram, Murray, Galloway, Greenhalgh, Haslam, Kirk-Robinson and Sanders.

Abstain, Viz - 0

Whereupon the motion was declared lost.

The original motion then became the substantive motion.

For the Motion, viz-

Councillors Donaghy, Khurram, Murray, Galloway, Greenhalgh, Haslam, Kirk-Robinson and Sanders.

Against the Motion, Viz -

Councillors Gillies, Haworth, McKeon and Abdullah.

Abstain, Viz - 0

The motion was declared carried and it was specifically resolved -That the licence to drive a private hire vehicle be

## C4

revoked on the basis that the Committee are not satisfied that the driver is a fit and proper person to hold a licence.

Following consideration of all the evidence, the Committee noted the convictions for plying for hire without hackney carriage proprietor's licence and using a vehicle uninsured against third party risks. Drivers are 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 convictions for plying for hire without hackney carriage proprietor's licence and using a vehicle uninsured against third party risks from 17<sup>th</sup> September, 2018. The driver accepted that two unbooked passengers had got into his vehicle and charged them £15 as per his tabled statement but gave a different version verbally to the meeting. He was shortly stopped by the Police and told them that the passengers were friends which was not true;
- The driver failed to declare the then Major non-conviction on his application and the offence under the Town Police Clause Act, 1847 and subsequently on his conviction declaration from September, 2018 regarding the illegally plying for hire issue, breaching the conditions of his licence;
- The Council's Statement of fitness and Suitability indicates that where a person has a major motoring offence conviction and the date of the conviction is less than three years then this would generally mean that a person would have their licence revoked;
- Matters concerning the provisions of the Town Police Clause Act, 1847 and Plying for Hire and specifically for level three and four offences then a licence would normally be revoked following the date of conviction for up to two years; and

- A statement prepared by the driver was tabled together with a notice of endorsement of driving record, a memorandum of an entry into the Greater Manchester magistrates Court regarding the convictions and two references in support of the driver. The Committee gave limited weight to the references.

Members of the public, 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 wellbeing of the public.

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

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

Present – Councillors Murray (Chairman), Haworth (Vice-Chairman), Abdullah (as deputy for Councillor Morris), Galloway (as deputy for Councillor Mrs Fairclough), Gillies, Haslam, Khurram, Kirk-Robinson (as deputy for Councillor P. Wild) and McKeon.

#### **44. APPLICATION FOR AN UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT**

The Director of Place submitted a report which set out details of an application which had been received for a new unlicensed family entertainment centre gaming machine permit.

The application submitted was for the premises that traded as Jump Xtreme, Trinity Retail Park, Springfield, Bradford Street, Bolton and had been submitted by Poppleston Allen Solicitors who acted as the agent for the applicant Coinfactory Limited.

The application sought approval for Category D gaming machines to be available at the venue. There was no minimum

## C6

age for Category D machines and this type was generally designed for children and young persons.

A Director from Coinfactory attended the meeting.

The report explained that the Police had made no comments.

It was moved by Councillor McKeon and Seconded by Councillor Gillies that consideration of this matter be deferred pending completion of a site visit to the premises.

For the Motion, viz-

Councillors Gillies, Haworth, Khurram, McKeon, Murray, Abdullah, Galloway, Haslam and Kirk-Robinson.

Against the Motion, Viz - 0

Abstain, Viz - 0

The motion was declared carried.

(The meeting started at 2.00pm and finished at 5.30pm)