

**LICENSING AND ENVIRONMENTAL REGULATION  
COMMITTEE**

MEETING, 10<sup>th</sup> MAY, 2016

Present – Councillors Donaghy (Chairman), Haworth (Vice-Chairman), L. Byrne, Chadwick, Mrs Fairclough, Greenhalgh, Haslam, Martin, Murray, Watters and Wild.

(An apology for absence was received from Councillor Richardson)

Councillor Donaghy in the Chair.

**74. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of a meeting of the Committee held on 6<sup>th</sup> April, 2016 were submitted.

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

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

The minutes of the proceedings of a meeting held on 21st April, 2016 were submitted.

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

**76. GAMBLING ACT – REVIEW OF STATEMENT OF  
PRINCIPLES**

The Director of Place submitted a report which set out details of the proposed revised Statement of Principles under the Gambling Act, 2005 following a review.

The report explained that the Council was required to review, consult and publish a Statement of Principles and last did so in 2013.

The report set out details of the proposed changes to the Statement which also took account of legislative changes and revised guidance from HM Government.

It was explained that the consultation would commence following approval by this Committee and would last for 30 days.

Members were advised that the new Policy would last for three years.

Resolved - That the proposals be approved for the purposes of consultation.

**77. APPLICATION FOR A PERMIT FOR  
AMUSEMENT WITH PRIZES (AWP) GAMING  
MACHINES LER/19/16**

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

By way of background information, the report explained that the Licensing Team had received an application which related to the Red Lion, 1-3 Salford Road, Over Hulton, Bolton.

The application was submitted by Gamestec on behalf of the premises licence holder, Spirit Pub Company.

The application was for a variation to the existing permit and requested permission for a total of four category C machines.

The Committee was 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 variation to the Gaming Machine Permit in relation to the Red Lion, 1-3 Salford Road, Over Hulton, Bolton be granted, as detailed in the report.

**78. APPLICATION FOR A PERMIT FOR AMUSEMENT  
WITH PRIZES (AWP) GAMING MACHINES LER/20/16**

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

By way of background information, the report explained that the Licensing Team had received an application which related to the Royal Oak, 480 Chorley Road, Westhoughton, Bolton.

The application was submitted by Popleston Allen on behalf of the premises licence holder, Mitchells and Butlers Leisure Retail Ltd.

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

The Committee was 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 variation to the Gaming Machine Permit in relation to the Royal Oak, 480 Chorley Road, Westhoughton, Bolton be granted, as detailed in the report.

(At this juncture the Committee adjourned pending the arrival of four private hire driver applicants and reconvened at 2.45pm)

## **79. 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.

## **80. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/21/16**

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

The applicant and his representative attended the meeting.

The Committee heard verbal representations from the 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 had been convicted of Battery in 2011. Offences of violence are amongst the most serious of offences under the Council's Policy. 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 Battery offence from April, 2011. Under the Council's Policy a licence would normally be refused where the conviction date was less than five years and this period had only just elapsed;
- The applicant's record of violent conduct which suggested a pattern of violent behaviour;
- The intelligence provided by the Police which included additional information on the 2011 offence and other incidents of violence and criminal damage;
- The applicant 's admittance of the offence from 2011 but the Committee did not accept his claim that this was the only incidence of violence in the last 20 years;
- The Committee were concerned about the applicant's possible reaction in future situations of stress and pressure;
- the character reference supplied by his employer was not sufficient to allay members concerns about his suitability to hold a private hire drivers 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 refuse to grant the licence.

#### **81. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/22/16**

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

The applicant attended the meeting.

The Committee heard verbal representations from the 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 had been convicted of using a vehicle uninsured against third party risks in 2014. This is classed as a major traffic offence under the Council's Policy. 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 driver failed to declare the offence on his application form.
- An applicant convicted of a single major traffic offence, where the conviction date is less than three years, will normally be refused and this period had not elapsed;
- The driver's admittance of the offence, having been caught in a road traffic accident.
- The applicant tabled vehicle insurance information which did not cover the period of the offence and was therefore disregarded by the Committee.

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 refuse to grant the licence.

**82. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/23/16**

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

The applicant attended the meeting.

The Committee heard verbal representations from the 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 had been convicted of using a vehicle uninsured against third party risks in 2013. This is classed as a major traffic offence under the Council's Policy. 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-

- A person convicted of a single major traffic offence, where the conviction date is less than three years will normally be refused and this period had not yet elapsed and the applicant did not present any evidence which justified overriding the Policy.

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 refuse to grant the licence.

**83. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/24/16**

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

The applicant and his representative attended the meeting.

The Committee heard verbal representations from the Licensing Officer.

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

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

(The meeting started at 2.00pm and finished at 4.50pm)