

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 9th MARCH, 2022

Present – Councillors Dean, Galloway, Grant, Haslam (as deputy for Councillor Mrs. Fairclough), Haworth, Khurram, Mistry (as deputy for Councillor Jiva), Taylor-Burke.

Apologies for absence were submitted on behalf of Councillors Mrs. Fairclough, Flitcroft, Jiva and D. Wilkinson.

30. APPOINTMENT OF CHAIRMAN

Resolved – That Councillor Dean be appointed as Chairman for this meeting.

Councillor Dean, Chairman

31. MINUTES OF LAST MEETING

Resolved – That the minutes of the proceedings of meeting held on 12th January, 2022 be submitted and signed as a correct record.

**32. MINUTES OF THE LICENSING SUB-COMMITTEE
(TRAFFIC MATTERS)**

The minutes of meetings of the Licensing Sub-Committee (Traffic Matters) held on 20th December, 2021 and 28th January, 2022 were submitted.

Resolved – That the minutes be approved as a correct record.

**33. APPLICATION TO REGISTER LAND KNOWN AS,
FIELD OR CANALSIDE LANE / ASCOT ROAD /
NEWBURY ROAD, AS A NEW TOWN OR VILLAGE
GREEN**

C2

(Councillor Taylor-Burke declared an interest in relation to the following item and left the meeting taking no part in the debate and vote thereon)

The Borough Solicitor submitted a report which asked members to consider and determine an application received to register land known as, The Field or Canalside Hall Lane/ Ascot Road/ Newbury Road, as a town or village green.

The area of land subject to the application (the application site) was an area of land which lay to the rear of the gardens of the properties on the western side of Ascot Road, with the northern boundary being the edge of the carriageway of Hall Lane, and the southern boundary starting from the head of the canal and following along the edge of the canal. The irregular shaped piece of land was outlined in red at Appendix B to the report.

The application was made under section 15 of the Commons Act

2006 which enabled any person to apply to a Commons Registration Authority to register land as a Village Green where it could be shown that:

a significant number of inhabitants of any locality, or of any neighbourhood within a locality, had indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years;

The application had been made on the ground that the application site had become a Town or Village Green by virtue of actual use of the land by the local inhabitants for a range of recreational activities, as of right, for more than 20 years.

The application was supported by 100 user forms from local residents who detailed their use of the site over a period in excess of 20 years.

The application site was owned by Robert Graham Trustees

C3

Limited. Robert Graham Trustees Limited objected to the application on the basis that the requirements for registration had not been satisfied and that the application was deficient.

Mr Martin Carter was appointed to hold a non-statutory public inquiry which took place on 24th and 25th January, 2022 at the Town Hall, Bolton. A copy of his Report can be found at Appendix A to the report and he recommended that the application is refused and that the application site should not be registered as a town or village green for the following reasons:

- i. The applicants have not proven that users came from a defined neighbourhood; and
- ii. Use of the application site at all times during the relevant period was not use as of right.

It was moved by Councillor Mistry and seconded by Councillor Haslam that the application is refused and the application site should not be registered as a town or village green.

For the Motion, viz –

Councillors Haworth, Khurram, Mistry, Dean, Galloway, Haslam and Grant.

Against the Motion, viz –

Nil

Abstain, viz-

Nil

Whereupon the motion was declared carried.

34. 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.

35. APPLICATION TO EXTEND A HACKNEY CARRIAGE VEHICLE LICENCE LER/01/22

The Director of Place Services submitted a report which set out details of an application which had been received to extend a hackney carriage vehicle licence.

The applicant did not attend the meeting.

It was moved by Councillor Grant and seconded by Councillor Haslam that the application be refused -

For the Motion, viz –

Councillors Khurram, Dean, Galloway, Taylor-Burke, Haslam and Grant.

Against the Motion, viz –

Councillor Mistry

Abstain, viz-

Councillor Haworth

Whereupon the motion was declared carried and it was specifically resolved that -

The Committee felt that there were no exceptional circumstances to deviate from the current policy. The applicant

did not attend the meeting and had not replied to communications from the Council. The Committee were also concerned about the overall condition of the vehicle.

36. APPLICATION TO EXTEND A HACKNEY CARRIAGE VEHICLE LICENCE LER/02/22

The Director of Place Services submitted a report which set out details of an application which had been received to extend a hackney carriage vehicle licence.

The applicant attended the meeting.

It was moved by Councillor Haworth and seconded by Councillor Dean that the elements of the Policy regarding the maximum 15 year age be not applied and that the application be granted for a period of one year -

For the Motion, viz –

Councillors Haworth, Khurram, Mistry, Dean, Galloway, Haslam and Grant.

Against the Motion, viz –

Councillor Taylor-Burke

Abstain, viz-

Nil.

Whereupon the motion was declared carried.

37. APPLICATION FOR A LICENCE TO DRIVE PRIVATE HIRE VEHICLES LER/03/22

The Director of Place Services submitted a report which set out details of an application for a licence to drive private hire vehicles where the driver had previous convictions.

C6

The applicant attended the meeting.

It was moved by Councillor Haworth and seconded by Councillor Khurram that the application for a licence to drive private hire vehicles be granted, subject to standard conditions, as detailed in the report.

Where upon the Motion was put to the vote and the voting was as follows, viz -

For the Motion, Viz –

Councillors Haworth, Khurram, Mistry, Dean, Galloway, Taylor-Burke, Haslam and Grant.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

(The meeting started at 2.00 p.m. and finished at 3.00pm)