

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 22nd AUGUST, 2017

Present – Councillors Donaghy (Chairman), Murray (Vice-Chairman), L. Byrne, J. Byrne (as deputy for Councillor Gillies), Chadwick, Gibbon, Haworth, Kirk-Robinson (as deputy for Councillor Haslam), Newall, Peel (as deputy for Councillor McKeon), Radcliffe (as deputy for Councillor Greenhalgh), Watters and P. Wild.

Apologies for absence were submitted on behalf of Councillors Mrs Fairclough, Haslam, Gillies, Greenhalgh and McKeon.

Councillor Murray in the Chair.

20. MINUTES

The minutes of the proceedings of the meeting of the Committee held on 18th July, 2017 were submitted and signed as a correct record.

**21. 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 25th July, 2017 were submitted and signed as a correct record.

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

The minutes of the proceedings of the meeting of the Licensing Sub-Committee (Traffic Matters) held on 11th July, 2017 were submitted and signed as a correct record.

23. APPLICATION TO RENEW A SEX SHOP LICENCE

The Director of Place submitted a report which explained that an application to renew a sex shop licence had been received in respect of the premises at 201, St. George's Road, Bolton.

The report explained that the application had been advertised in accordance with the provisions of the Act.

The Police had not submitted any comments in respect of the renewal application.

If approved the licence would be valid for one year.

Resolved - That the application to renew the sex shop licence be granted.

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

No items

24. 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.

25. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/27/17

The Director of Place submitted a 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 a misconduct matter by the applicant.

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The applicant attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

Resolved – That the licence to drive a private hire vehicle be renewed but suspended for a period of six months 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 been convicted on 26th June, 2017 of using a vehicle uninsured against third party risks and illegally plying for hire.

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 driver had been convicted on 26th June, 2017 of using a vehicle uninsured against third party risks and illegally plying for hire. The driver had been caught during a plying for hire enforcement exercise;
- The Council's Policy indicates that where a person has been convicted of a major traffic offence such as using a vehicle uninsured against third party risks and the conviction date is less than three years then this would generally mean that the licence would be refused;
- The supplementary guidance attached to the Policy on offences under the Town Police Clauses Act, 1847 was also relevant to the determination of the matter;
- The committee noted the driver's contrition for the offences and his previous good character and driving record. He also explained that he had changed his

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working pattern to avoid the same mistake occurring again;

- The driver tabled 4 character references which the Committee gave limited weight to. He also tabled a document which detailed matters relating to his wife's medication, outgoings and his university fees;
- The loss of livelihood, as mentioned, was an irrelevant consideration in terms of the Committee's decision.

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 wellbeing of the public.

There is therefore reasonable cause to renew but suspend the private hire driver's licence for a period of six months.

26. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/28/17

The Director of Place submitted a report which set out details of misconduct allegations against a driver licenced to drive a private hire vehicle. The report went onto set out details of misconduct matters by the driver.

The driver attended the meeting and asked for consideration of the matter to be deferred to enable him to secure the services of a representative to assist him.

Resolved – That consideration of this matter be deferred until the next meeting when the Committee will consider this case whether or not the driver or his representative attend.

**27. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER
LER/29/17**

The Director of Place submitted a report which set out details of misconduct allegations against a driver licenced to drive a private hire vehicle. The report went onto set out details of misconduct matters by the driver.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard verbal evidence from the Licensing Officer.

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.

Following consideration of all the evidence the Committee noted that the driver had been convicted on 26th June, 2017 of using a vehicle uninsured against third party risks and illegally plying for hire.

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 driver had been convicted on 26th June, 2017 of using a vehicle uninsured against third party risks and illegally plying for hire. The driver had been caught during a plying for hire enforcement exercise;
- The Council's Policy indicates that where a person has been convicted of a major traffic offence such as using a vehicle uninsured against third party risks and the conviction date is less than three years then this would generally mean that the licence would be refused;

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- The supplementary guidance attached to the Policy on offences under the Town Police Clauses Act, 1847 was also relevant to the determination of the matter; and
- The driver also failed to declare the convictions from 26th June, 2017 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 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 driver's licence with immediate effect on the grounds of public safety.

28. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/30/17

The Director of Place submitted a 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 a misconduct matter by the applicant.

The applicant attended the meeting and provided verbal evidence.

The driver attended the meeting and asked for consideration of the matter to be deferred to enable him to secure the services of a representative to assist him.

Resolved – That consideration of this matter be deferred until the next meeting when the Committee will consider this case whether or not the driver or his representative attend.

(The meeting started at 2.00 p.m. and finished at 4.25pm)

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