

**LICENSING AND ENVIRONMENTAL REGULATION  
COMMITTEE**

MEETING, 9<sup>th</sup> FEBRUARY, 2016

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

Apologies for absence were received from Councillors Bury, Murray and Richardson.

Councillor Donaghy in the Chair.

**53. MINUTES OF PREVIOUS MEETING**

The minutes of the proceedings of a meeting of the Committee held on 12<sup>th</sup> January, 2016 were submitted.

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

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

The minutes of the proceedings of meetings held on 13<sup>th</sup> January, 2016 were submitted.

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

**55. 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.

**56. APPLICATION TO EXTEND A HACKNEY CARRIAGE  
VEHICLE LICENCE LERSC/05/16**

The Director of Place submitted a report which asked the Committee to give consideration to an application which had been received which sought approval for a hackney carriage to be licensed beyond the permitted 15 year period for a further year.

The vehicle was first registered in September, 2000.

The applicant attended the meeting and also tabled supporting information.

Resolved – That in the exceptional circumstances of the case and in view of the exceptional condition of the vehicle, the Committee is prepared for the Policy regarding the maximum 15 year age not to be applied for a further twelve months from September, 2016 and that the vehicle be subject to three examination during the year from September, 2016.

**57. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE  
HIRE VEHICLE LER/06/16**

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 applicant 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.

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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 2010 of affray with an 18 month imprisonment sentence. Convictions for violence are amongst the most serious of all criminal offences. 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 damage to property and the sentence from 2007 and the applicant's acceptance of guilt;
- The serious nature of the conviction of affray with a significant prison sentence and the applicant's acceptance of guilt;
- Guidance relating to Bolton Council's Licensing Policy in particular regarding offences of violence and that applicants with one or more convictions for other offences of violence should expect the application to be refused until a period of at least three years has elapsed from the date of the last offence or their release from prison and this application is not far outside of this period ;
- The applicant's conviction for speeding in August, 2014 and his lack of remorse; and
- The Committee did not find the applicant's evidence to be entirely credible.

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 information in support of the application and the Committee read and considered this and found it to carry limited weight.

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

**58. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/07/16**

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 applicant 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 had a long list of past offences which included dishonesty, violence and traffic. Convictions for violence are amongst the most serious of all criminal offences. 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 many of the past offences and the Committee not being convinced that the applicant was a fit and proper person to hold a private hire vehicle licence;
- Guidance relating to Bolton Council's Licensing policy;

- The pattern of the serious offences over a long period of time and the penalties imposed which the applicant did not dispute; and
- The Committee did not feel that sufficient time had elapsed, free of conviction, from the date of the last offence.

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. Drivers also work in an unsupervised environment.

The applicant also provided information and five character 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.

**59. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER  
LERSC/08/16**

This item was withdrawn.

(The meeting started at 2.00pm and finished at 4.45pm)