

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 6th APRIL, 2016

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

Apologies for absence were received from Councillors C. Burrows, Greenhalgh and Watters.

Councillor Donaghy in the Chair.

67. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Committee held on 15th March, 2016 were submitted.

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

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

The minutes of the proceedings of a meeting held on 23rd March, 2016 were submitted.

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

**69. STATEMENT OF FITNESS AND SUITABILITY
(PRIVATE HIRE, HACKNEY CARRIAGE AND SOCIAL
NEEDS TRANSPORT)**

The Director of Place submitted a report which set out the details of the final draft Statement of Fitness and Suitability (Private Hire, Hackney Carriage and Social Needs Transport)

following a consultation exercise which concluded on 16th March, 2016.

The report set out details of the background to the production of the Statement including that it would be effective for five years.

Resolved – That approval be given to the Statement of Fitness and Suitability which will replace the Council’s Statement of Policy and Guidelines relating to the relevance of convictions, as set out in the report.

Licensing and Environmental Regulation Committee
(Acting as Licensing Act, 2003 Committee) for the
following item.

70. LICENSING ACT 2003, REVIEW OF STATEMENT OF LICENSING POLICY

The Director of Place submitted a report which set out details of the final draft Statement of Licensing Policy for the Borough for the period 2016 to 2021 following the conclusion of a consultation exercise.

This provided an opportunity to develop the Council’s approach to administering the Licensing Act, 2003, taking into account other related policies and strategies.

It also outlined how the Licensing Authority would act to promote the four current licensing objectives.

Resolved -That full Council be recommended to adopt the Policy as Bolton Council’s Statement of Licensing Policy, as set out in the report.

71. 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.

72. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/15/16

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 possessing a controlled drug and an offence of destroying or damaging property. 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 Police caution given in May, 2014 regarding possession of a controlled drug – class B cannabis / cannabis resin. The Council's Policy states that an application from an applicant who has a single conviction for an offence relating to the possession of drugs would

normally be refused until a conviction free period of at least three years has elapsed and the three year period has not yet expired ;

- The conviction from March, 2013 relating to destroying or damaging property. The Council's Policy states 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;
- The Police intelligence / information relating to the offences and details of a further offence relating to assault, which the applicant admitted to, from February, 2009;
- The driver's admittance of the offences;
- There being no evidence to support the applicant's assertion that he no longer smokes cannabis; and
- The Committee were concerned that the driver appeared to show no responsibility for his past actions.

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.

73. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/16/16

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.

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Resolved – That the application for a licence to drive a private hire vehicle be approved, subject to the standard conditions.

(The meeting started at 12.30pm and finished at 2.10pm)