

**LICENSING AND ENVIRONMENTAL REGULATION  
COMMITTEE**

MEETING, 6<sup>th</sup> MARCH, 2012

Present – Councillors Lord (Chairman), Jones (Vice-Chairman), R. Allen (as deputy for Councillor P. Brierley), J. Byrne, Greenhalgh, Kay, Mistry, Morris (as deputy for Councillor Connell), Norris (as deputy for Councillor Mrs. Fairclough), Peacock, Shaw, Silvester, P. Wild and D. Wilkinson.

Apologies for absence were submitted on behalf of Councillors P. Brierley, Connell, Mrs. Fairclough and Sherrington.

Councillor Lord in the Chair.

(Items marked with an asterisk are submitted for information only)

**71. URGENT ITEM**

The Chairman reported that the Director of Environmental Services had requested that an urgent item entitled 'Licensing Act 2003 Review of Statement of Licensing Policy' which was not specified on the agenda for this meeting be placed before the Committee as a matter of urgency as the new policy needed to be in place by the end of the Municipal Year.

**72. MINUTES**

The minutes of the proceedings of the meeting of the Committee held on 7<sup>th</sup> February, 2012 were submitted and signed as a correct record.

**73. MINUTES OF THE SPECIAL MEETING**

The minutes of the proceedings of the special meeting of the Committee held on 9<sup>th</sup> February, 2012 were submitted and signed as a correct record.

**\*74. APPLICATION FOR A PERMIT FOR AMUSEMENT  
WITH PRIZES GAMING MACHINES**

The Director of Environmental Services submitted a report which put forward an application which had been submitted from the Beaumont Arms, Armadale Road, Ladybridge, Bolton for a new permit to use three Amusement with Prizes Gaming Machines.

The permit duration was indefinite as it was linked to the Licensing Act 2003 Premises Licence.

Resolved – That the application for a new Gaming Machine Permit in relation to the Beaumont Arms, Armadale Road, Ladybridge, Bolton be granted.

**75. LICENSING ACT 2003 – REVIEW OF STATEMENT OF  
LICENSING POLICY – URGENT ITEM**

Further to minute 71 of this meeting, the Director of Environmental Services submitted a report which sought member's consideration of the Statement of Licensing Policy and to approve the revised document for consultation purposes.

By way of background, members were reminded that the Council was required to review, consult and publish a Statement of Licensing Policy by section 5 of the Licensing Act 2003. Consequently it was proposed to carry out two reviews of policy during 2012/2013.

The report explained that proposals for the first review during this municipal year would amend the existing policy taking into account a small number of legislative changes and revised Secretary of State Guidance. It was also proposed to carry out a much more comprehensive review later in 2012/2013 to take account new legislation due to be published under the Police Reform and Social Responsibility Act 2011 and the Local Strategic Partnership's latest Community Strategy which now included Alcohol as a cross cutting theme.

Members were advised that the 'Summary of Changes' document would be circulated for consultation in accordance with Section 5 of the Licensing Act 2003 and copies would be circulated to the relevant interested bodies and placed on the Council website.

With regard to the consultation process, this would run for 4 weeks from 7<sup>th</sup> March, 2012 until 2<sup>nd</sup> April, 2012 and during this process a number of meetings would be held with members to gain their views with the intention that the revised Statement of Licensing Policy would be approved at Full Council on 18<sup>th</sup> April, 2012.

A copy of the 'Summary of Changes' document was detailed in Appendix 1 to the report.

Resolved – That the proposed changes to the Statement of Licensing Policy be approved for consultation purposes.

## **76. 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.

## **\*77. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVERS AND OPERATORS**

The Director of Environmental Services submitted a report which provided details of a driver/operator who had been convicted of offences during the period of his licence.

Resolved – That in respect of report numbered LER/12/12 consideration of the application be deferred to the next meeting of this Committee pending the attendance of the driver.

**\*78. MISCONDUCT BY LICENSED PRIVATE HIRE OR HACKNEY CARRIAGE DRIVERS**

Councillor J Byrne declared a personal interest in report numbered LER/13/12(b), as he knew the driver, and left the meeting during consideration and determination thereof.

The Director of Environmental Services submitted a report which provided details of eight drivers who had been convicted of offences during the period of their licences.

The drivers attended in respect of reports numbered LER/13/12(b), LER/13/12(c), LER/13/12(e) and LER/13/12(f).

Resolved – (i) That in respect of report numbered LER/13/12(c), the licence to drive a private hire vehicle be suspended for two weeks. In coming to its decision, the Committee takes a serious view of the offences. The offence of no insurance is a serious offence by itself. The offence of unlawfully plying for hire is also a direct breach of the licensing law and impacts directly on the driver's role as a private hire vehicle driver. There is reasonable cause to suspend the driver's licence to act as a warning and deterrence.

(ii) That in respect of report numbered LER/13/12(e), the licence to drive a private hire vehicle be suspended for one week. In coming to its decision, the Committee is mindful of its duties relating to public safety and the offences from September, 2011 is an intermediate road traffic offence under the Council's policy and is of a type which is increasingly prevalent. There is reasonable cause to suspend the driver's licence to act as a warning and deterrence.

(iii) That in respect of report numbered LER/13/12(f), the licence to drive a private hire vehicle be suspended until the licence expires on 15<sup>th</sup> June, 2012. In coming to its decision, the Committee takes a serious view of these offences, which come against a background of previous motoring offences. The offence of having no insurance is a serious offence and the offence of unlawfully plying for hire is also a direct breach of the

licensing law and impacts directly on the driver's role as a private hire vehicle driver casting doubt on whether the driver is a fit and proper person to hold a licence. There is reasonable cause to take this action as a warning and a deterrent.

(iv) That in respect of report numbered LER/13/12(f), the licence to drive a private hire vehicle be revoked. In coming to its decision, the Committee is mindful of its duties relating to public safety and the offence in January, 2012 is an extremely serious matter which casts doubt on the driver's fitness to hold a licence and there is no other option for the Committee other than to revoke the licence.

(v) That consideration of reports numbered LER/13/12(a), LER/13/12(d), LER/13/12(g) and LER/13/12(h) be deferred to the next meeting of the Committee pending the attendance of the drivers.

(The meeting started at 4.00 p.m. and finished at 5.35 p.m.)