

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 17th JUNE, 2014

Present – Councillors A. Connell (Chairman), Jones (Vice-Chairman), L. Byrne, Chadwick, Cunliffe (as deputy for Councillor Bury), Mrs Fairclough, Hall, Haslam, Morris (as deputy for Councillor Kay), Murray, Mrs Swarbrick, A. S. Walsh (as deputy for Councillor Greenhalgh) and Wild.

Councillor A. Connell in the Chair.

Apologies for absence were received from Councillors Bury, Evans, Greenhalgh and Kay.

1. MINUTES OF PREVIOUS MEETINGS

The minutes of the proceedings of a meeting of the Committee held on 22nd April, 2014 were submitted and signed as a correct record.

2. MINUTES OF THE LICENSING SUB-COMMITTEE

The minutes of the proceedings of the Licensing Sub-Committee held on 14th May, 2014 were submitted and signed as a correct record.

3. 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.

4. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/23/14

The Director of Environmental Services submitted a report which set out details of a complaint which had been received against a private hire driver during the period of his licence.

The driver attended the meeting. Sgt Boyce of the Greater Manchester Police also attended the meeting in support of his written evidence.

The Committee heard representations both verbally and in written form from Ms. Elizabeth Pritchard, Principal Licensing Officer. The Committee were referred to a number of witness statements which had been prepared in relation to the incident.

The Committee gave careful consideration to the information provided in the report and on questioning the evidence from the driver.

Resolved – That in respect of report numbered LER/23/14 the licence to drive a private hire vehicle be revoked.

The Committee found that the driver had, by his own admission illegally plied for hire on 2nd February 2014 by picking up three passengers from Bank Street who had not pre- booked the journey with the driver. The Sub Committee regarded plying for hire as a serious matter. By plying for hire the driver would have also invalidated his insurance. The Committee were aware that the driving without insurance was a serious traffic offence under the Council's Policy. By picking up the passengers the driver had put the passengers at risk and members of the public at risk.

The Committee also found inconsistencies in the driver's evidence particularly in relation to his working arrangements at the time of the alleged incident. The record of bookings from Metro Cars also showed that the driver had not been allocated any bookings around the time of the incident.

The Committee are satisfied that the driver was illegally plying for hire, which is a serious offence.

In coming to its decision the Committee also took account of its duty to protect the public.

The Committee cannot be satisfied that the driver is a fit and proper person and finds that there is reasonable cause to revoke the licence. Revocation is to have immediate effect in the interests of public safety under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act, 1976.

5. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

The Director of Environmental Services submitted a report which provided details of an application for a licence to drive a private hire vehicle.

The applicant in respect of application number LER/24/14 attended the meeting.

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

6. APPLICATION TO EXTEND A HACKNEY CARRIAGE VEHICLE LICENCE

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

Members were reminded that the Committee had granted a one year extension in 2012 and in 2013.

The vehicle was first registered in August, 1997.

The applicant and his representative attended the meeting.

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Resolved – That in the circumstances of the case and in view of the condition of the vehicle, the Committee is prepared for the Policy regarding the maximum 15 year age not to be applied for a further period of one year in relation to application LER/22/14, subject to the vehicle passing the vehicle test prior to 31st July 2014 but should there be any defect on the vehicle at this test or any subsequent tests within this one year period the application be referred to this Committee for further consideration.

In addition, due to the age of the vehicle, the approved garage shall on testing be asked to comment in writing on the current condition of the vehicle and this information be provided to the Licensing unit and if necessary referred to this Committee.

(The meeting started at 3.00pm and finished at 5.14pm)