

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 18TH DECEMBER, 2018

Present – Councillors Abdullah (as deputy for Councillor Morris), Bagnall, Donaghy, Mrs Fairclough, Greenhalgh, Gibbon, Haworth, Khurram, McKeon, Murray, Peel (as deputy for Councillor Gillies), Radcliffe (as deputy for Councillor Haslam), Sanders and P. Wild.

Apologies for absence were submitted on behalf of Councillors Gillies, Haslam and Morris.

Councillor Haworth in the Chair.

(The Licensing and Environmental Regulation Committee
acting as Licensing Act, 2003 Committee for minute 34)

Present – Councillors Abdullah (as deputy for Councillor Morris), Bagnall, Donaghy, Mrs Fairclough, Greenhalgh, Gibbon, Haworth, Khurram, McKeon, Peel (as deputy for Councillor Gillies), Radcliffe (as deputy for Councillor Haslam), Sanders and P. Wild.

34. THE GAMBLING ACT REVIEW

The Director of Place submitted a report which referred to a proposed review of the Council's Gambling act Statement of principles. An updated report was also tabled.

The Council was required by statute to review and publish its 'Statement of Principles' commonly referred to as, 'The Gambling Policy', every three years.

The most recent 'Statement of Principles' was published in 2016 and was now due for review. The report provided information in respect of the proposed changes and the consultation process to be followed, and requested the Committee approve the consultation as detailed in the report.

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The report also requested the Committee approve an increase in the premises licence fees, from the current level of 55% of the statutory maximum to the maximum. This was to address the current under recovery in terms of costs associated with providing the licensing function in respect of gambling.

It was moved by Councillor Peel and seconded by Councillor Bagnall -That approval be given to the draft Statement of Principles for the purposes of consultation and an increase in Gambling Act licence fees as, detailed in the report

For the Motion, viz-

Councillors Donaghy, Peel, Khurram, McKeon, Abdullah, Mrs. Fairclough, Greenhalgh, Radcliffe, P. Wild, Bagnall, Gibbon and Sanders

Against the Motion, Viz -

Councillor Haworth

Abstain, viz - 0

Whereupon the motion was declared carried.

(Councillor Murray heretook the Chair)

35. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section (100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve 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.

36. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/46/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had a previous misconduct matter.

The report outlined the full details of the misconduct matter by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor Donaghy and seconded by Councillor P. Wild that the licence to drive a private hire driver be granted, subject to the standard conditions as set out in the report.

For the Motion, viz-

Councillors Donaghy, Peel, Haworth, Khurram, McKeon, Murray, Abdullah, Mrs. Fairclough, Greenhalgh, Radcliffe, P. Wild, Bagnall, Gibbon and Sanders

Against the Motion, Viz - 0

Councillors

Abstain, Viz - 0

Whereupon the motion was declared carried.

37. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/47/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire

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vehicle and where the applicant had a previous misconduct matter.

The report outlined the full details of the misconduct matter by the applicant.

The applicant attended the meeting and provided verbal evidence.

The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor McKeon and seconded by Councillor Peel that the licence to drive a private hire driver be granted, subject to the standard conditions as detailed in the report.

For the Motion, viz-

Councillors Donaghy, Peel, Haworth, Khurram, McKeon, Murray, Abdullah, Mrs. Fairclough, Greenhalgh, Radcliffe, P. Wild, Bagnall, Gibbon and Sanders

Against the Motion, Viz - 0

Abstain, Viz -0

Whereupon the motion was declared carried.

38. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/48/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had a previous misconduct matter.

The report outlined the full details of the misconduct matter by the applicant.

The applicant attended the meeting and provided verbal evidence.

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The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor Donaghy and seconded by Councillor McKeon that the licence to drive a private hire driver be granted.

An amendment was moved by Councillor Peel and Seconded by Councillor Greenhalgh that the application be refused.

For the Motion, viz-

Councillors Peel, Murray, Greenhalgh, Radcliffe, P. Wild, Bagnall, Gibbon and Sanders.

Against the Motion, Viz -

Councillors Donaghy, Haworth, Khurram, McKeon, Abdullah and Mrs Fairclough.

Abstain, Viz - 0

Whereupon the motion was declared carried and it became the substantive motion.

For the Motion, viz-

Councillors Peel, Murray, Greenhalgh, Radcliffe, P. Wild, Bagnall, Gibbon and Sanders.

Against the Motion, Viz -

Councillors Donaghy, Haworth, Khurram, McKeon, Abdullah and Mrs Fairclough.

Abstain, Viz - 0

Whereupon the motion was declared carried and it was specifically resolved -

That the licence to drive a private hire vehicle be refused on the basis that the Committee are not satisfied that the applicant is a fit and proper person to hold a licence.

Following consideration of all the evidence, the Committee noted the applicant did not declare his convictions on his application form. Drivers are 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 applicant did not declare the convictions on his application form and ticked to confirm that he had no convictions or cautions which the Committee found, on balance, was due to dishonesty; and

Members of the public, 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 refuse to grant the private hire drivers licence.

39. APPLICATION FOR A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/49/18

The Director of Place submitted a report which gave details of an application which had been received to drive a private hire vehicle and where the applicant had a previous misconduct matter.

The report outlined the full details of the misconduct matter by the applicant.

The applicant and his representative attended the meeting and provided verbal evidence.

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The Committee also heard evidence from the Licensing Officer.

It was moved by Councillor McKeon and seconded by Councillor P. Wild that the licence to drive a private hire driver be granted, subject to the standard conditions as detailed in the report.

For the Motion, viz-

Councillors Donaghy, Haworth, Khurram, McKeon, Murray, Abdullah, Mrs. Fairclough, Greenhalgh, Radcliffe, P. Wild, Bagnall, Gibbon and Sanders

Against the Motion, Viz - 0

Abstain, Viz -0

Whereupon the motion was declared carried.

(The meeting started at 1.00pm and finished at 3.50pm)