

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 17th SEPTEMBER, 2019

Present – Councillors P. Wild (Chairman), Dean (Vice-Chairman), Fletcher, Flitcroft, Haslam, Haworth, Hornby (as deputy for Councillor Gibbon), Khurram, McKeon, Morris, Newall and Peel (as deputy for Councillor Donaghy).

(Apologies for absence were received from Councillors Donaghy and Gibbon)

Councillor P. Wild in the Chair.

11. MINUTES OF THE LAST MEETING

The minutes of the proceedings of the meeting held on 20th August, 2019 were submitted and signed as a correct record.

12. MINUTES OF THE LICENSING TRAFFIC SUB-COMMITTEE

The minutes of the proceedings of the meeting held on 27th August, 2019 were submitted and signed as a correct record.

13. MINUTES OF THE LICENSING SENSITIVE CASES SUB-COMMITTEE

The minutes of the proceedings of the meeting held on 20th August, 2019 were submitted and signed as a correct record.

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

14. APPLICATION FOR A SEX SHOP LICENCE

The Director of Place submitted a report which set out details of an application to renew a sex shop licence.

The Application relates to a sex shop licence for, Private Shop, 201, St. George's Road, Bolton which had been submitted by Darker Enterprises Limited and Private Shops UK Ltd.

The application had been advertised in accordance with the provisions of the Act.

It was moved by Councillor Hornby and Seconded by Councillor Haslam that the application granted.

For the Motion, Viz –

Councillors Khurram, Peel, Haworth, McKeon, Morris, Dean, Fletcher, Haslam, P. Wild, Newall, Flitcroft and Hornby.

Against the Motion, Viz –

Nil.

Abstain, Viz –

Nil

Whereupon the motion was declared carried and it was specifically Resolved - That the application to renew the Sex Shop Licence be granted, as detailed in the report.

15. 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.

16. APPLICATION FOR A LICENCE TO DRIVE PRIVATE HIRE VEHICLES LER/24/19

The application was withdrawn.

17. APPLICATION FOR A LICENCE TO DRIVE PRIVATE HIRE VEHICLES LER/25/19

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

The report outlined the full details of the application and alleged misconduct.

The applicant attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

It was moved by Councillor Peel and Seconded by Councillor McKeon that the application be granted.

For the Motion, Viz –

Councillors Khurram, Peel, Haworth, McKeon, Morris, Dean, Fletcher, Haslam, P. Wild, Newall, Flitcroft and Hornby.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

Whereupon the motion was declared carried and it was specifically Resolved - That the application for a licence to drive private hire vehicles be granted, subject to the standard conditions, as detailed in the report.

18. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/26/19

The Director of Place submitted a report which gave details of alleged misconduct by a driver licensed to drive private hire vehicles.

C4

The report outlined the full details of the misconduct.

The driver attended the meeting and provided verbal evidence.

The Licensing Officer gave verbal evidence.

It was moved by Councillor Hornby and Seconded by Councillor Newall that the licence to drive private hire vehicles be revoked.

For the Motion, Viz –

Councillors Khurram, Peel, Haworth, McKeon, Morris, Dean, Fletcher, Haslam, P. Wild, Newall, Flitcroft and Hornby.

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

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

That the licence to drive private hire vehicles be revoked on the basis that the Committee is not satisfied that the driver is a fit and proper person to hold a licence.

The Sub-Committee also took account of –

- The conviction on 25th march, 2019 of Plying for Hire without Hackney Carriage Proprietor's Licence and using a vehicle uninsured against third party risks;
- Matters around the Council's Statement of Fitness and Suitability in relation to Major Traffic Offences and that a person with such a conviction, which is less than three years old, would normally have their licence revoked;

- The driver had failed to declare the then non-conviction in accordance with the conditions of his licence in 2017 and on 1st April, 2019 the driver brought the allegation and subsequent prosecution to the attention of the licensing team; and
- The driver stated he was poorly represented at the trial hearing. He did not agree with the courts decision but could not afford to appeal to the Crown Court.

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 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 well-being of the public.

There is therefore reasonable cause to revoke the private hire drivers licence.

19. MISCONDUCT BY LICENSED PRIVATE HIRE DRIVER LER/27/19

The Director of Place submitted a report which gave details of alleged misconduct by a driver licensed to drive private hire vehicles.

The report outlined the full details of the misconduct.

The driver attended the meeting with his representative.

It was moved by Councillor Dean and Seconded by Councillor Morris that consideration of the matter be adjourned to as future meeting to enable the complainant to attend and give evidence.

For the Motion, Viz –

Councillors Khurram, Peel, Haworth, McKeon, Morris, Dean, Fletcher, Haslam, P. Wild, Newall, Flitcroft and Hornby.

C6

Against the Motion, Viz –

Nil

Abstain, Viz –

Nil

(The meeting started at 2.00pm and finished at 4.00pm)