

**LICENSING AND ENVIRONMENTAL REGULATION  
COMMITTEE**

MEETING, 13<sup>th</sup> JUNE, 2017

Present – Councillors Donaghy (Chairman), Murray (Vice-Chairman), L. Byrne, Chadwick, Mrs Fairclough, Greenhalgh, Gibbon, Gillies, Haslam, Haworth, McKeon, Newall, Watters and P. Wild.

Councillor Donaghy in the Chair.

**1. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Committee held on 11th April, 2017 were submitted.

Resolved – That the minutes of the last meeting be signed as a correct record.

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

The minutes of a meeting held on 25<sup>th</sup> April, 2017 were submitted.

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

**3. MINUTES OF THE MEETING OF THE LICENSING  
SUB-COMMITTEE (TRAFFIC MATTERS)**

The minutes of a meeting held on 12<sup>th</sup> April, 2017 were submitted.

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

**Licensing and Environmental Regulation Committee**  
**(Acting as Licensing Act, 2003 Committee)**

No items

**4. 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 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.

**5. APPLICATION FOR A STREET TRADING CONSENT  
LER/18/17**

The Director of Place submitted a report which set out details of an application which had been received for the grant of a street trading consent.

The applicant and his mother 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 consideration of this matter be deferred pending clarification of aspects of the report in particular the Police intelligence information provided.

**6. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE LER/17/17**

The Director of Place submitted a report which set out details of an application which had been received for the grant of a Hackney Carriage Vehicle Licence.

The applicant and his representative 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 the grant of a Hackney Carriage Vehicle Licence be refused on the grounds that there were no exceptional circumstances to justify the renewal of the licence out of time. The previous licence had expired on 17<sup>th</sup> March, 2017 and the application for a new licence was not received until 25<sup>th</sup> April, 2017. The applicant explained the reason for the delay in submitting the application was that he thought wrongly that the Accident Damage Company was making the application on his behalf. The Committee did not consider the applicant's explanation was an exceptional circumstance.

**7. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/15/17**

The Director of Place submitted a report which set out details of an application which had been received to renew a Private Hire Drivers Licence.

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 to renew 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.

In coming to its decision the Committee specifically also took account of, viz –

- The applicants conviction on 19<sup>th</sup> April, 2017 for Section 39 Common Assault (Battery).
- In accordance with the Council's Policy an extremely serious view is taken where a person has been convicted of any offence of violence. Furthermore, a person would normally be refused a licence where the date of conviction for Battery is less than 5 years and the Committee did not find any reason to depart from the Policy.
- The applicant also had a litany of complaints against him, particularly from 2013/14 and 2016 and these included, alleged overcharging, abusive and swearing to a customer, alleged plying for hire. It was also accepted that the driver had made clear threats to his former business partner.
- 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. Passengers often travel alone and are vulnerable to inappropriate behaviour.

There is therefore reasonable cause to revoke the Private Hire Drivers Licence with immediate effect and refuse to renew.

**8. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/16/17**

The Director of Place submitted a report which set out details of an application which had been received to renew a Private Hire Drivers Licence.

The applicant and his wife 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 to renew 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.

In coming to its decision the Committee specifically also took account of, viz –

- The applicant's caution on 29<sup>th</sup> September, 2016 for Destroy or damage property and Common Assault.
- In accordance with the Council's Policy an extremely serious view is taken where a person has been convicted of any offence of violence. Furthermore, a person would normally be refused a licence where the date of conviction for criminal damage / common assault is less than 5 years and the Committee did not find any reason to justify departing from the Policy.
- The applicant also failed to declare the caution in accordance with the conditions of his licence.
- 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. Passengers often travel alone and are vulnerable to inappropriate behaviour.

There is therefore reasonable cause to revoke the private hire drivers licence with immediate effect and refuse to renew.

**9. APPLICATION TO RENEW A LICENCE TO DRIVE A PRIVATE HIRE VEHICLE LER/19/17**

The Director of Place submitted a report which set out details of an application which had been received to renew a Private Hire Drivers Licence.

The applicant and his wife 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 to renew the private hire drivers licence be granted subject to the standard conditions as set out in the report. Furthermore, a warning letter be issued to the driver of the need to adhere to the conditions of his licence and in future inform the Licensing Unit of any changes of his medical situation.

(The meeting started at 2.00pm and finished at 5.25pm)