

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: Tuesday 29th August 2006

**Present: Councillor D Barnes (in the Chair)
Councillors Alcroft, L Barnes, Crosta, Dickinson, Entwistle
Gill, Lynskey, Morris, Sandiford, Starkey, H Steen, P Steen,
Unsworth**

**In Attendance: S Chadwick, Licensing Manager
D Hamill, Licensing Enforcement Officer
C Birtwistle, Principal Legal Officer
J Cook, Committee Officer
M Staton, Licensing Admin Assistant**

Also Present: 6 Members of the Public and Taxi Trade

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Eaton (Councillor Crosta substituting).

2. DECLARATIONS OF INTEREST

Councillor David Barnes declared a personal and prejudicial interest in Minute Number 14 – Application for a Private Hire Drivers Licence – Mrs KS and Minute Number 15 – Application for a Private Hire Drivers Licence – Mr DS by virtue that the applicants were known to him.

Councillor Sandiford declared a personal and prejudicial interest in Minute Number 12 – Application for a Private Hire Drivers Licence – Mr RDM by virtue that the applicant was known to her.

3. MINUTES

Resolved:

That the Minutes of the meeting of the Licensing Committee held on the 6th July 2006 be signed by the Chair as a correct record.

4. APPOINTMENT OF CHAIR FOR ITEMS D1 AND D2

Resolved:

That Councillor Sandiford be appointed as Chair for Minute Number 14 – Application for a Private Hire Drivers Licence – Mrs KS and Minute Number 15 – Application for a Private Hire Drivers Licence – Mr DS.

5. URGENT ITEMS OF BUSINESS

By virtue of Section 100B(4)(b) of the Local Government Act 1972 the Chair agreed that the following item of business be dealt with at the meeting as a matter

of urgency as it would be detrimental to the applicant to wait until the next meeting of the Committee on 17th October 2006:

Minute Number 13 - Application for a Hackney Carriage Driver Licence – Mr WT.

OPERATIONAL MATTERS

6. APPLICATION FOR 3 AMUSEMENT WITH PRIZES GAMING MACHINES – GAMING ACT 1968 (AS AMENDED) AT OLD COBBLERS INN, NEW HALL HEY ROAD, RAWTENSTALL

The Committee considered an application for 3 amusement with prizes gaming machines under the Gaming Act 1968 (As Amended) at Old Cobblers Inn, New Hall Hey Road, Rawtenstall.

It was noted that the applicant was unable to be present at the Committee.

Resolved:

- 1) That the report be noted.
- 2) That the application for an S.34 gaming permit for 3 gaming machines as required by Paragraph 8(2) Schedule 9 Gaming Act 1968 be granted.

7. CRIMINAL RECORD CHECKS AS REQUIRED FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCES

The Committee considered the report of the Licensing Manager advising members of the current licensing regime with regard to criminal record checks on applicants wishing to obtain a Private Hire Drivers and/or Hackney Carriage Drivers Licence. The Committee considered the addition of a second organisation namely the Scottish Criminal Records Office to provide criminal record checks in order to provide applicants with a choice of criminal records offices to use for the purposes of applications and to go some way to alleviate the delays currently being experienced.

In accordance with the procedure for public speaking Mr G Bulcock spoke in support of the proposal.

Resolved:

1. That the report be noted.
2. That the Scottish Criminal Records Office be adopted as a second organisation to provide choice to applicants in obtaining the necessary criminal record checks.

8. AMENDED HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCE CONDITIONS

The Committee considered the report of the Licensing Manager which outlined proposed amendments to the Hackney Carriage and Private Hire Vehicle Licence Conditions.

In accordance with the procedure for public speaking Mr G Bulcock spoke in support of the proposed amendments.

In response to a question by the Committee in respect of vehicular insurance the Licensing Manager confirmed that vehicle insurance was recorded and checked regularly and that up-to-date insurance information was requested and received in a timely manner.

Resolved:

1. That the report be noted.
2. That the Amendments as outlined in the report be approved.

9. UPDATE ON INTERNAL STICKERS FOR PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES

The Committee received a verbal report from the Licensing Manager updating on the current position in respect of internal stickers for Private Hire and Hackney Carriage Vehicles. The Licensing Manager displayed an example of an internal sticker provided by another authority and informed the Committee of the similarities between that sticker and the proposed sticker for use in Rossendale, including security markings and fluorescent text.

Resolved:

That prior to distribution and use of the sticker the Licensing Manager be requested to issue a press release to raise awareness for members of the public.

10. EXCLUSION OF THE PUBLIC AND PRESS

Resolved:

That the press and public be excluded from the meeting for the following items of business on the grounds that they involve disclosure of exempt information relating to an individual as defined in Paragraph 1 of Schedule 12A of the Act.

11. CONSIDERATION OF REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MR DAS

The Committee agreed to consider the application in the absence of the applicant.

The Licensing Enforcement Officer presented a report detailing the circumstances leading to the consideration of revocation of the hackney carriage drivers licence. It was noted that the applicant had failed to attend the previous Committee on 6th July 2006 and that his licence had been suspended in order to allow him an opportunity to appear before the Committee.

The Committee considered the report in accordance with the procedure.

The Licensing Manager and the Licensing Enforcement Officer retired from the meeting to enable the Committee to determine the application.

Resolved:

1. That the hackney carriage licence be revoked under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 as the Committee considers that the Applicant is not a fit and proper person to hold a Hackney Carriage Drivers Licence.
2. That the Applicant be informed of the decision and be advised of his right of appeal before the Magistrates Court.

NB: COUNCILLOR SANDIFORD LEFT THE MEETING DURING CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS

12. APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – MR RDM

The Licensing Enforcement Officer presented a report detailing the circumstances leading to the application and asked the Committee to note that the application was for a private hire drivers licence and not a hackney carriage drivers licence as stated in the report. The Applicant and his representatives presented his case to the Committee.

The Applicant and his representatives, the Licensing Manager and the Licensing Enforcement Officer retired from the meeting to enable the Committee to determine the application.

Resolved:

That the licence be granted under Section 51 of the Local Government (Miscellaneous Provisions Act 1976) as the Committee are satisfied that the applicant is a fit and proper person to hold a private hire drivers licence.

13. APPLICATION FOR A LICENSED HACKNEY CARRIAGE DRIVERS LICENCE – MR WT

The Chair welcomed the applicant to the meeting. The Licensing Enforcement Officer presented a report detailing the circumstances leading to the application for the hackney carriage drivers licence. The applicant and his representative presented his case.

The applicant and his representative, the Licensing Manager and the Licensing Enforcement Officer retired from the meeting to enable the Committee to determine the application.

Resolved:

That the licence be granted under Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976.

NB: COUNCILLOR D BARNES VACATED THE MEETING DURING CONSIDERATION OF THE FOLLOWING TWO ITEMS OF BUSINESS (COUNCILLOR SANDIFORD IN THE CHAIR)

14. APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – MRS KS

The Committee agreed to consider the application in the absence of the applicant.

The Licensing Enforcement Officer presented a report detailing the circumstances leading to the application for the private hire drivers licence. It was noted that the applicant had sent a letter for consideration by the Committee.

The Licensing Manager and the Licensing Enforcement Officer retired from the meeting to enable the Committee to determine the application.

Resolved:

1. That the licence not be granted under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 as the Committee could not satisfy themselves that the applicant was a fit and proper person to hold a private hire drivers licence.
2. That the applicant be informed of the decision and be advised of her right of appeal before the Magistrates Court.

15. APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE – MR DS

The Committee agreed to consider the application in the absence of the applicant.

The Licensing Enforcement Officer presented a report detailing the circumstances leading to the application for the private hire driver's licence. It was noted that the applicant had sent a letter for consideration by the Committee.

The Licensing Manager and the Licensing Enforcement Officer retired from the meeting to enable the Committee to determine the application.

Resolved:

1. That the application for a private hire driver's licence not be granted under Section 51 of the Local Government (Miscellaneous Provisions) Act as the Committee could not be satisfied that the applicant was a fit and proper person to hold a private hire drivers licence.
2. That the applicant be informed of the decision and be advised of his right of appeal before the Magistrates Court.

The meeting commenced at 6.30pm and closed at 8.10pm