



**ST HELENS**  
BOROUGH COUNCIL

**Town Hall, St. Helens, Merseyside, WA10 1HP**

**Telephone: 01744 676109 (Andy Roscoe)**

# **Agenda**

## **LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**PUBLIC MEETINGS ARE WEBCAST (LIVE STREAMED)**

Date: Wednesday, 22 September 2021 Time: 5.30 pm Venue: Room 10

### **Membership**

<b>Lab 11 Councillors</b>	<b>Banks (Chair), Barton, Bell, Dickinson, Hattersley, T Long, Maloney MBE, McCormack, Pearson, Preston and Uddin</b>
<b>LD 1 Councillor</b>	<b>Pearl</b>
<b>Con 1 Councillor</b>	<b>Jones</b>
<b>Green 1 Councillor</b>	<b>O'Keefe</b>
<b>Ind 1 Councillor</b>	<b>Tasker</b>

<u>Item</u>	<u>Title</u>	<u>Page</u>
1.	<u>Apologies for Absence</u>	
2.	<u>Minutes of the meeting held on 1 September 2021</u>	3
3.	<u>Declarations of Interest from Members</u>	

<u>Item</u>	<u>Title</u>	<u>Page</u>
4.	<u>Exclusion of the Public</u>  Recommended that the public be excluded from the meeting during consideration of the following item:  <u>Item Reason (under the Local Government Act 1972)</u>  5 Exempt information in relation to any individual (Para 1 of Schedule 12a)	5
<b><u>PRIVATE AGENDA</u></b>		
5.	<u>New Application for a Hackney Carriage/Private Hire Driver's Licence (Ref: MA)</u>	7

## LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

At a meeting of this Committee held on  
1 September 2021

**(Present)**            **Councillor CD Banks (Chair)**  
**Councillors Barton, Bell, Dickinson, Hattersley, Jones,**  
**T Long, Maloney MBE, McCormack, O’Keefe, Pearl and**  
**Pearson**

**(Not Present)**    **Councillors Preston, Tasker and Uddin**

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**11     APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Preston and Uddin.

**12     MINUTES**

\*        **Resolved that the minutes of the meeting held on 22 July 2021 be approved and signed.**

**13     DECLARATIONS OF INTEREST FROM MEMBERS**

No Declarations of Interest from Members were made.

**14     STATEMENT OF GAMBLING POLICY**

A report was presented to advise the Committee of the requirement to commence public consultation regarding the review of the Council’s Statement of Gambling Policy pursuant to the Gambling Act 2005 and the timetable for publication.

The Committee was informed the Gambling Act 2005 requires that all Licensing Authorities prepare and publish a ‘Statement of Licensing Policy’ that they propose to apply in administering their functions under the Act. This Statement must be reviewed and re-published at least every three years.

Members were informed that the revised Statement of Policy must be published in January 2022.

The Committee were informed that prior to publication in January 2022, a consultation would be required to be carried out by the Council on the proposed Statement of Policy and during the consultation period any interested parties (including Elected Members) would be entitled to comment. The list of consultees had been detailed in the report.

Once the consultation had been completed the Policy would be resubmitted to the Committee for consideration before final submission to Council on 19 January 2022..

The Draft Statement of Licensing Policy 2022 was attached to the report at Appendix A.

\*        **Resolved that:**

- (1)     the draft policy presented to Committee for consultation be approved;**
- (2)     the Licensing Manager be authorised to carry out the consultation in**

## LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE

order to meet the statutory deadlines; and

- (3) the Licensing Manager be authorised to return to this Committee the results of this consultation for final consideration.

**15 EXCLUSION OF THE PUBLIC**

- \* Resolved that the public be excluded from the meeting during consideration of the following items for the reason stated:

<u>Minute</u>	<u>Reason (under Local Government Act 1972)</u>
16	Information relating to an individual in accordance with Paragraph 1 of Schedule 12(a).

Councillor Dickinson did not take part in the vote on the following item.

Councillor McCormack left the meeting during discussion of the following item.

**16 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE (REF: DM)**

A report was presented to the Committee to consider a review of Hackney Carriage/Private Hire Driver's Licence (Ref: DM).

Members were informed that this report had been deferred from the previous meeting of this Committee as the licence holder had been unable to attend the meeting due to a personal matter.

Members were informed that the licence had been referred to Committee for reasons which had been laid out in the penultimate sections of the report.

The licence holder appeared before the Committee and was given every opportunity to present their case to Members and answer questions.

The licence holder was then invited to sum up their case and was advised that the Committee's decision would be conveyed to them the following day with a detailed letter to follow in due course.

The licence holder then left the meeting whilst the Committee deliberated in private with the Council's Legal Officer.

- \* Resolved that on the balance of probabilities, the licence of Hackney/Private Hire Driver (Ref: DM) be revoked on the ground of "any other reasonable cause" pursuant to section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and the Council's Policy.

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**ST. HELENS COUNCIL  
LICENSING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, PROPRIETORS AND  
OPERATORS LICENCES**

**PROCEDURAL GUIDE**

1. The Chairman of the Committee will open the meeting and invite the Licensing and Land Charges Manager to outline the procedure for dealing with the item.
2. The procedure to be followed will then be explained to all members present.
3. The Licensing and Land Charges Manager will briefly outline the details of the application or the reasons for the referral to the Committee.
4. The applicant / licence holder (and his or her representative) will then be brought into the meeting and the Licensing and land Charges Manager will outline why the matter has been brought before the Committee for consideration.
5. The Chairman of the Committee will then invite the applicant or licence holder to comment of the report before the Committee and members of the Committee to determine:
  - (a) Whether a new applicant is a fit and proper person to hold a licence;
  - (b) Whether the Committee has cause to suspend, revoke or refuse to renew the existing licence.
6. Members of the Committee will then ask the applicant or licence holder questions.
7. The applicant / licence holder or representative will then sum up the case for the grant or retention of the licence after which they will leave the meeting to allow the Committee to deliberate and to take any advice required from Council Officers.
8. The applicant / licence holder and representative will be invited back into the meeting to allow the Committee to deliver its decision. Which will subsequently be confirmed in writing.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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