

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 10th March 2010

**Present: Councillor Eaton (in the Chair)
Councillors Cheetham, Gill, Neal, Lynskey (Substituting for
Morris), P Steen (Substituting for H Steen) and Unsworth**

**In Attendance: Tracy Brzozowski, Licensing and Planning Enforcement
Manager
Sarah Blackwell, Trainee Solicitor
Michelle Hargreaves, Committee Officer**

Also Present: 10 Members of the Public

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies were submitted by Councillors Crawforth, Evans, Morris, H Steen and C Pilling.

2. MINUTES

Resolved:

That the Minutes of the meeting of the Licensing Committee held on the 27th January 2010 be approved and signed by the Chair as a correct record.

3. URGENT ITEM OF BUSINESS

There were no urgent items of business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest declared at this point in the meeting however when item B2 was introduced, Councillor P Steen declared a prejudicial interest in minute 6 and left the room for this item.

5. LICENSING UNIT ENFORCEMENT REPORT

The Licensing and Planning Enforcement Management outlined the purpose of the report which was to present to the committee the summary of the enforcement activity undertaken by the Licensing Team between 1st July and 31st December 2009.

It was highlighted to the committee what matters the Licensing Team deal with and also a break down of staff and their roles was also outlined.

There had been 303 surveys sent out to every licensed driver, operator and proprietor and a total of 24 responses had been received, 425 customer surveys were also distributed and a total of 18 customers responded. These results were appended with the report. The Licensing and Planning Enforcement Manager noted that the figures given were mean figures as more than one option could have been selected in the survey.

The Licensing and Planning Enforcement Manager concluded that enforcement is to continue actively; balanced by a need to assist small businesses within the borough and it was recommended that the report be noted.

In accordance with the procedure for public speaking, Mr D Lawrie spoke on the report.

Upon hearing the item, the committee discussed the following:

- Praise to staff for work conducted
- Receipt of accounts
- Working with the community

Resolved:

That the report be noted.

NB. Councillor P Steen left the meeting on the following item as he declared a prejudicial interest.

6. APPLICATION FOR A STREET TRADING CONSENT

The Chairman introduced the item and the Committee Members and Officers introduced themselves to the Applicant.

The Licensing and Planning Enforcement Manager updated the committee on the item and confirmed the request of the committee from the previous meeting on 27th January 2010 that a letter was sent to LCC Highways on 28th January requesting the attendance of Mr D Harrison for clarification purposes at the meeting tonight.

The Chair welcomed Mr Harrison to the meeting.

The Chair welcomed the committee to clarify issues with Mr Harrison, of which are stated below:

- Statement in appendix B2
- Bus Stop opposite proposed location
- Entrance to land (lay-by)

Mr Harrison confirmed the statement in appendix B2 as correct and outlined concerns that the road in question was an 'A' road, no residential/industrial units were situated near the proposed site for the van and therefore parking issues would be from passing trade. The entrance to the land was an access only road to LCC land.

The Chair welcomed the applicant to clarify issues with Mr Harrison.

Mr Ford requested the committee view further photos and an email in support of the application which had been brought to the meeting. The committee agreed to view these and at this point the meeting was adjourned in order for the committee to consider further evidence.

It was agreed that the Licensing and Planning Enforcement Manager would outline the report to the committee for clarification purposes.

In accordance with the procedure for public speaking, Mr Ford spoke in favour of the application.

In determining the application, the Committee discussed the following:

- Photos
- Relocation of van
- Law

Resolved:

That the application be refused.

NB. Councillor P Steen returned to the meeting.

7. EXCLUSION OF PUBLIC AND PRESS

Resolved:

That the public and press be excluded from the following items of business under Section 100(A)(4) of the Local Government Act 1972 since they involve the disclosure of exempt information under Paragraph 1 of Schedule 12A of the Act.

8. REPORT TO CONSIDER AN APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – AI

The Chairman welcomed the Applicant and the Applicant's Representative to the meeting. The Committee Members and Officers introduced themselves to the Applicant and Representative.

The Licensing and Planning Enforcement Manager presented the report detailing the application for a Hackney Carriage Drivers Licence.

The Applicant's Representative spoke in favour of the applicant's case.

The Committee Members asked questions of the Licensing and Planning Enforcement Manager, Applicant's Representative and the Applicant for clarification purposes only.

The Applicant, Representative and Licensing Unit Staff left the room to enable the Committee to determine the application.

Resolved:

- That the licence be refused. The Committee consider that the applicant is not a fit and proper person to hold a Hackney Carriage Driver's Licence/Private Hire Driver's Licence/Operator's licence.
- That the applicant will be notified in writing of the decision and will have a right of appeal to the magistrates' court, which must be exercised within 21 days of service of the decision letter.

Reason for Decision

- The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

9. REPORT TO CONSIDER AN APPLICATION TO BECOME A LICENSED PRIVATE HIRE DRIVER – KB

The Chairman welcomed the Applicant to the meeting. The Committee Members and Officers introduced themselves to the Applicant.

The Licensing and Planning Enforcement Manager presented the report detailing the application for a Private Hire Driver Licence.

The Applicant presented information in favour of his case.

The Committee Members asked questions of the Licensing and Planning Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and Licensing Unit Staff left the room to enable the Committee to determine the application.

Resolved:

- That the licence be granted. The Committee consider that the applicant is a fit and proper person to hold a Private Hire Driver's Licence.

Reason for Decision

- The Application had been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

The meeting commenced at 6.30pm and closed at 8.55pm

CHAIRMAN _____