

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 12th April 2011

**Present: Councillor Eaton (in the Chair)
Councillors Cheetham, Crawforth, Evans, Farrington, Gill,
Morris, H Steen and Unsworth**

**In Attendance: Tracy Brzozowski, Public Protection Manager
Brian Taylor, Public Protection Officer
Sian Roxborough, Head of Legal and Democratic Services
Michelle Hargreaves, Committee and Member Services
Officer**

Also Present: 18 Members of the Public

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies were submitted on behalf of Councillor Neal and Councillor C Pilling.

2. MINUTES

The Head of Legal and Democratic Services responded to the issue raised by a member of the Committee on the 24th January 2011 relating to a recorded vote.

Resolved:

That the Minutes of the meeting of the Licensing Committee held on the 24th January 2011 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.

5. CHAIRS UPDATE

The Chair clarified to the Committee information in relation to the Driving Standards Agency (DSA) Tests. An amendment was outlined to the committee regarding the accumulation of driver points on a DVLA licence, which was adopted by Council in February 2011. Following the amendment, it was agreed that a specific part of the policy would not be enforced at this time.

The Chair also gave a brief update on the Rossendale Test in relation to the garages which were successfully tendered. These were as follows:

- J A Taylor

- Waterside Auto Centre
- Glen Service Station

The services of these garages would come into force on the 1st May 2011.

The consultation period for the Whitworth Taxi Stand had now expired and no objections had been received. LCC Highways had been instructed to commence with road markings and an order had been raised.

6. PROPOSED AMENDMENTS TO THE STREET TRADING POLICY

The Public Protection Manager outlined the purpose of the report which was to present the issues that had been raised regarding the current street trading policy since its adoption in 2009 and to propose amendments to the Policy.

The Public Protection Manager stated that Rossendale Borough Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on the 7th October 2009. It gave the Council the means to regulate street trading within the Borough. Since that time some administrative and practical issues had been highlighted that needed to be considered and addressed.

For clarification purposes, the act defined 'Street' as any road, footway, beach or other area to which the public had access to without payment.

A consultation review was conducted between the dates of 1st February 2011 and the 14th March 2011 and some responses to this consultation had been appended with the report.

It was also stated that there had been a small number of occasions where the Highways Authority had raised an objection on an application, in these circumstances the application had come before the Licensing Committee.

With regard of ice cream vendors, there was an assumption that those vendors would travel around the area, stopping in streets for a few minutes and then moving on. There was nothing currently to stop them from trading from one particular place and it would now be of benefit to consider an alteration in the type of Consent given.

Following this, it was suggested that there would be 2 different consents, one for mobile trading and one for site specific trading. However, the conditions already in force would be sufficient to regulate both types of consent.

The Public Protection Manager stated that currently an annual consent would be at a charge of £350, which didn't consider the option to trade for a shorter timescale. It was therefore proposed that the applicant should be able to apply for consent for a 14 day period at a fee of £75.

An amendment was proposed in relation to the Code of Practice on noise from ice cream van chimes; this would now read 'more often or for longer than is reasonably necessary.'

It was proposed that the Committee resolves to recommend to Council the amendments outlined in the report.

Upon hearing the item, the committee discussed the following:

- Praise on work conducted by Officers
- Clarification in relation to payment of fees
- Cost for 14 day consent

Resolved:

That the Committee recommend the proposed amendments to the Street Trading Policy to Council.

7. PUBLIC PROTECTION UNIT ENFORCEMENT REPORT

It was outlined to the Committee that the Officer which was delivering the report was unfortunately unable to attend the meeting; therefore any questions would be responded to within 7 working days.

The Public Protection Manager outlined the purpose of the report which was to present to the Committee a summary of the enforcement action taken by the Public Protection Unit between 1st October and the 31st December 2010.

The Licensing Unit was re-named the Public Protection Unit (PPU) on the 1st January 2011. The unit had been re-structured and lost one member of staff. The new staffing levels now consist of a Manager, three Public Protection Officers and three administrative assistants which included an Apprentice position. The new Public Protection Officer, with a lead role in Planning Enforcement, would be attending the next Committee.

The Public Protection Manager outlined the matters which the PPU deal with, some of which were highlighted within the report.

Following a request from the previous Committee meeting, the number of booking fees for appointments that had been incurred in 2008/2009/2010 was provided in the report.

Further information in relation to house to house collections and street collections were also outlined in the report.

The Public Protection Manager recommended that the report be noted.

Mr Lawrie spoke on the item.

Upon hearing the item, the Committee discussed the following:

- Involvement of the Fire Service
- Contact to relevant partners
- Name of the unit
- Further information in relation to suspensions
- Importance of safety checks

Resolved:

That the Public Protection Unit Enforcement Report be noted.

8. 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.

9. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – SM

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

The Public Protection Manager presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Public Protection Manager and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Public Protection Unit Staff left the room to enable the Committee to determine the application.

The Legal Representative clarified relevant issues raised associated with the application to the committee.

Resolved:

- That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
- That the applicant be notified in writing of the decision and has the right of appeal to the Magistrates' Court, which must be exercised within 21 days of service of the decision letter.

10. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MAF

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

The Public Protection Manager presented the report detailing the circumstances surrounding the proposed revocation of the Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Public Protection Manager and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Public Protection Unit Staff left the room to enable the Committee to determine the application.

Resolved:

- That the licence not be revoked. The Committee consider that the applicant is a fit and proper person to hold a Hackney Carriage Driver's Licence.

Reason for Decision

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

11. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MAR

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

The Public Protection Manager presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Public Protection Manager and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and Public Protection Unit Staff left the room to enable the Committee to determine the application.

The Legal Representative clarified relevant issues raised associated with the application to the committee.

Resolved:

- That the licence be refused. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
- That the applicant be notified in writing of the decision and has the 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 and policy and the Committee took into account all the relevant information put before them.

12. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MAS

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

The Public Protection Manager presented the report detailing the circumstances surrounding the proposed revocation of the Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Public Protection Manager and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and Public Protection Unit Staff left the room to enable the Committee to determine the application.

Resolved:

- That the licence not be revoked. The Committee consider that the applicant is a fit and proper person to hold a Hackney Carriage Driver's Licence.

Reason for Decision

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

13. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MU

The Chair welcomed the Applicant and the Applicant's Representatives to the meeting. The Committee Members and Officers introduced themselves to the Applicant and the Applicant's Representatives.

The Public Protection Manager presented the report detailing the circumstances surrounding the proposed revocation of the Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Public Protection Manager and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representatives and Public Protection Unit Staff left the room to enable the Committee to determine the application.

Resolved:

- That the licence not be revoked. The Committee consider that the applicant is a fit and proper person to hold a Hackney Carriage Driver's Licence.

Reason for Decision

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

14. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – BW

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

The Public Protection Officer presented the report detailing the circumstances surrounding the proposed revocation of the Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Public Protection Officer and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and Public Protection Unit Staff left the room to enable the Committee to determine the application.

Resolved:

- That the licence be revoked. The Committee considered that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.
- That the applicant be notified in writing of the decision and has the 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 and policy and the Committee took into account all the relevant information put before them.

The meeting commenced at 6.30pm and closed at 9.55pm

CHAIRMAN _____