

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 5<sup>th</sup> August 2009**

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

**In Attendance: Clare Birtwistle, Acting Assistant Head of Legal Services  
Tracy Brzozowski, Licensing and Planning Enforcement  
Manager  
Derek Hamill, Licensing Enforcement Officer  
Jenni Cook, Committee Officer**

**Also Present: Councillor P Steen  
Approximately 6 Members of the Public  
1 Member of the Press**

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## **BUSINESS MATTERS**

### **1. APOLOGIES FOR ABSENCE**

No apologies were submitted.

### **2. MINUTES**

#### **Resolved:**

That the Minutes of the meeting of the Licensing Committee held on the 24<sup>th</sup> March 2009 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**

No declarations were made.

## **OPERATIONAL MATTERS**

### **5. STREET TRADING WITHIN THE BOROUGH OF ROSSENDALE**

The Licensing Enforcement Officer presented a report which formally recommended that the Council adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to undertake the control of street trading in the Borough of Rossendale and to agree the fees, conditions and locations therein.

The Chair thanked Officers for their hard work on this report.

Councillors discussed the report in detail and the following issues were raised:-

- Concerns regarding the effect the conditions may have on charities, charitable events and seasonal festivals.
- Inclusion of Stubbins, being from Bolton Road North Railway Bridge to Chatterton Road River Bridge.
- Encroachment of businesses onto the highway – it was noted this was a Lancashire County Council matter.
- Additional costs to the Licensing Department.

Officers provided clarification on charitable organisations and seasonal festivals. It was noted that, with reference to Street and House to House collections, charities were covered by separate legislation and that applications could be made to the Council's Licensing Department to review the prohibited areas. The Licensing and Planning Enforcement Manager stated that she did not foresee any significant additional costs to the Licensing Department at this moment in time.

**Resolved:**

1. That Full Council be recommended to adopt Schedule 4.
2. That the proposed fee structure, locations of traders and licence conditions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 be taken to the Policy Overview and Scrutiny Committee and adopted by Full Council.
3. That the prohibited areas be extended to include Stubbins, being from Bolton Road North Railway Bridge to Chatterton Road River Bridge.

**6. LICENSING UNIT ENFORCEMENT REPORT**

The Licensing Enforcement Officer presented a report to the Committee which detailed enforcement activities for the following periods:

- 1st January 2008 – 31st December 2008
- 1st January 2009 – 30th June 2009

The Licensing and Planning Enforcement Manager updated Members on recent Magistrate's Court convictions and where applicable, sentencing of 3 of the taxi trade:

- Mr Robert Back
- Mr Shah
- Mr 'John Doe'

It was noted that this information was already in the public domain and could be discussed in public session.

Councillors discussed the enforcement report in detail and the following issues were raised:-

- Enforcement activities and planned activities.
- Improvements in licensed premises across the Borough.

- Accuracy of 2009 hackney carriage inspection data.
- Concerns regarding businesses collecting items door-to-door in unmarked vans.
- Test purchasing and joint working with Trading Standards and Lancashire Constabulary.
- Query on which premises in Shawforth was referred to in the report.

The Licensing and Planning Enforcement Manager clarified that enforcement activities followed no particular pattern in order that they did not become 'predictable'. Inspections happened in known areas and on information given to the Licensing Department. Some future enforcement activities were discussed, however it was noted that it would be inappropriate to give out details of planned enforcement activities in a public forum.

**Resolved:**

1. That the report be noted.
2. That the Licensing and Planning Enforcement Manager would provide members with confirmation of the hackney carriage vehicle inspection figures for 2009 and confirm to Councillor Neal which Shawforth premises was referred to in the committee report.

**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. PROPOSED REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – RB**

The Chairman welcomed the Applicant to the meeting. All present introduced themselves.

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

The Applicant presented information in support of his case.

The Committee Members asked questions of the Licensing and Planning Enforcement Manager, the Licensing Enforcement Officer 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:**

1. That the Hackney Carriage Drivers Licence be revoked under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Committee consider that the Applicant is not a fit and proper person to hold a Hackney Carriage Drivers Licence.
2. That the Applicant be notified in writing of the decision and his 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 has been considered in accordance with the Council's approved procedure, the Council's Guidelines on Convictions and in the Committee took into account all the relevant information from put before them.

**The meeting commenced at 6.30pm and closed at 8.20pm**

CHAIRMAN \_\_\_\_\_