

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 29th September 2009**

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

**In Attendance: Noel Scanlon, Temporary Principal Legal Officer  
Tracy Brzozowski, Licensing and Planning Enforcement  
Manager  
Daniel Dobson, Principal Enforcement Officer  
Derek Hamill, Licensing Enforcement Officer  
Carolyn Sharples, Committee and Member Services Officer**

**Also Present: Approximately 3 Members of the Public**

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The Chair welcomed everyone to the meeting and congratulated members of the taxi trade who had successfully achieved NVQ qualifications. He informed that a presentation event had been held earlier in the evening and thanked those who had been able to attend the event.

### **BUSINESS MATTERS**

**1. APOLOGIES FOR ABSENCE**

Apologies were submitted on behalf of Councillor Gill.

**2. MINUTES**

**Resolved:**

That the Minutes of the meeting of the Licensing Committee held on the 5<sup>th</sup> August 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. ENFORCEMENT UPDATE**

The Principal Enforcement Officer gave a verbal update to the Committee on enforcement activities detailed at the previous meeting. He confirmed that the

Hackney Carriage inspection data reported for January-June 2009 should have been 76.

The Principal Enforcement Officer informed members that a test purchasing exercise was carried out by the Police, Trading Standards and the Principal Licensing Officer on the 21<sup>st</sup> August 2009 in the Whitworth, Bacup and Stacksteads areas. Out of 14 premises tested, 5 had failed the exercise. Another test purchasing exercise was planned in the near future. If 2 test purchases were failed the Licenses of the premises would be reviewed. A new Charities Bill would be going through Parliament which would in part address issues raised concerning bogus charity collections.

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

- Test purchasing
- Police checks and confiscated alcohol
- Proxy purchasing
- Times of checks for test purchasing
- Testing supermarkets
- Revoking alcohol licenses to send a clear message
- Liaising with police
- Charity collections and proper identification

The Principal Enforcement Officer clarified that it is the person selling the alcohol who commits the offence and that it is the licence holder's responsibility to ensure staff are adequately trained. The Licensing Department had been giving advice, including advice on adequate staff training, to those that had failed the test purchasing exercise.

## **6. 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.

## **7. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – SI**

The Licensing and Planning Enforcement Manager informed the Committee that the applicant had notified the Licensing Department of personal reasons why he was unable to attend the meeting. The report was therefore being recommended to be withdrawn from the meeting so that it could be heard at the November meeting, where the police would also be in attendance to give evidence.

In response to a question from a Committee Member the Licensing and Planning Enforcement Manager confirmed that the Licence was still suspended.

**Resolved:**

- That the application be deferred to the next meeting.

**Reason for Decision**

- To allow the application to be been considered in accordance with the Council's approved procedure and the Council's Guidelines on Convictions.

**8. REPORT TO CONSIDER AN APPLICATION TO BECOME A HACKNEY CARRIAGE DRIVER – AZ**

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

The Principal Enforcement Officer presented the report detailing the application for a Hackney Carriage Drivers Licence.

The Applicant's Representative presented information in support of his case.

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

- 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.
- 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 has 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 6.45pm and closed at 7.45pm**

CHAIRMAN \_\_\_\_\_