

**MINUTES OF: LICENSING COMMITTEE**

**Date of Meeting: 27<sup>th</sup> November 2009**

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

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

**Also Present: 7 Members of the Public**

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## **BUSINESS MATTERS**

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

Apologies were submitted by Councillor Evans and Councillor C Pilling.

### **2. MINUTES**

#### **Resolved:**

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

Councillor H Steen declared a prejudicial interest on Item B3 and left the committee on the item. Councillor Neal declared he did not have a personal or prejudicial interest on Item B3 as he did not attend the relevant Whitworth Town Council meetings where the Meal Machine was discussed.

### **5. STREET TRADING WITHIN THE BOROUGH OF ROSSENDALE – AMENDMENT TO PROHIBITED STREET LOCATION**

The Licensing and Planning Enforcement Management outlined the purpose of the report which was to formally amend a typographical error in the list of prohibited streets that had been adopted by Rossendale Borough Council to regulate street trading in the Borough. The following amendments had been made:

- **Bacup Road from the junction of Church Road to the junction of Cowpe Road.**

Will now read:

**Bacup Road from the junction of Church Street to the junction of Cowpe Road.**

There was also another amendment which was not stated in the report which was:

- **Kay Street in Bacup**

Will now read:

**King Street in Bacup**

**Resolved:**

That the Committee approved the amendments of the location of the prohibited streets as highlighted above.

## **6. LICENSING COMMITTEE PROCEDURE FOR STREET TRADING CONSENT APPLICATIONS**

The Licensing and Planning Enforcement Manager outlined the purpose of the report which was to introduce a procedure for the hearing of applications for Street Trading Consents by the Licensing Committee.

The proposed procedure was attached as Appendix A.

**Resolved:**

That the Committee approved and adopted the Street Trading Consents with immediate effect.

## **7. APPLICATION FOR A STREET TRADING CONSENT**

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

The Principal Enforcement Officer presented the report which was an application for a Street Trading Consent in respect of the 'The Meal Machine', to be situated on Market Street, Whitworth.

The purpose of the vehicle would be to sell hot and cold food between the proposed times of 7.30am to 2.30pm Monday to Saturday and 9am to 2pm Sundays. The Principal Enforcement Officer noted that Council resolved the street trading hours to be between 9am and 10pm Monday to Sunday in which the application falls outside of. It was also noted that Market Street is a consent street.

There had been consultations with the following organisations: Lancashire Constabulary, Whitworth Town Council, Lancashire County Council – Highways

Section and Lancashire County Council – Trading Standards Section. No response had been received from Trading Standards on the application.

It was noted there had been 26 identical letters of support received with a further 3 letters of support, making a total of 29.

The Licensing and Planning Enforcement Manager clarified that a decision had been made not to instigate enforcement until the Committee had determined the application.

The Chair welcomed the Applicant to speak on the application.

The Applicant confirmed he commenced his business from ‘Stud Brow’ in Whitworth. It was stated that he had spoken to Environmental Health and was advised a high standard of vehicle must be used for trading. The Applicant had also been in contact with LCC who confirmed the vehicle must be situated on a straight road, without double yellow lines and have parking facilities for customers. Lancashire Constabulary had conducted a 3 day survey of traffic flow and concluded there were no issues. A Licensing Enforcement Officer had informed the Applicant that he would need to apply for a license to continue trading.

In a concluding statement, the Applicant wanted to bring good quality food to Whitworth.

In determining the application, the Committee discussed the following:

- Size of the road
- Pedestrians from the bus stop
- Flow of traffic
- Concerns with information in Appendix B
- Written confirmation from LCC for Applicant
- Concerns exiting the side road next to the site of the van

**Resolved:**

A proposal was moved and seconded to defer the application in order to seek clarification from Highways.

**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 REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – AH**

The Chairman welcomed the Applicant 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 circumstances surrounding the proposed revocation of the 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, the Principal Enforcement Officer 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:**

- A decision was made that the licence be revoked. The Committee considered that the applicant was no longer a fit and proper person to hold a Hackney Carriage Driver's Licence.
- That the applicant would 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, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

## **10. REPORT TO CONSIDER AN APPLICATION TO BECOME A HACKNEY CARRIAGE DRIVER – MI**

The Chairman welcomed the Applicant 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 spoke in favour of the applicant's 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 granted. 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, the Council's Guidelines on Convictions 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 – SK**

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 circumstances surrounding the proposed revocation of the Hackney Carriage Drivers Licence.

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 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, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them

## **12. REPORT TO CONSIDER THE REVOCATION OF A PRIVATE HIRE DRIVER AND OPERATER LICENCE – PR**

The Chair informed the Committee that the Applicant would not be attending the meeting and that confirmation had been received that the meeting could go ahead in his absence.

The Licensing and Planning Enforcement Manager advised that the Applicant had been given the opportunity to postpone the application to the next meeting and submit evidence, in which none was received.

The Committee resolved that it was satisfied that the Applicant knew of the date and time of the Committee meeting and that the meeting should therefore go ahead in the absence of the Applicant.

The Principal Enforcement Officer presented the report.

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

In relation to this item, Councillors wanted to commend the Licensing Enforcement Officers for their diligence in the way they conducted their investigations.

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

### **Resolved:**

- A decision was made that the licences be revoked. The Committee considered that the applicant was no longer a fit and proper person to hold a Private Hire Driver and Operators Licence.
- That the applicant would 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, 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 9.00pm**

CHAIRMAN \_\_\_\_\_