

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 26th October 2010

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

**In Attendance: Tracy Brzozowski, Licensing and Planning Enforcement
Manager
Susan Chadwick, Licensing Officer
Sarah Blackwell, Legal Officer
Michelle Hargreaves, Committee and Member Services
Officer**

Also Present: 6 Members of the Public

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 28th June 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 the following interests were declared during the items listed below:

Item 11 - Councillor Gill declared a Personal Interest in that she knew the applicant and left the committee on this Item.

5. CHAIRS UPDATE

The Chair informed the Committee of the statement issued regarding the proposed taxi strike which was published on Thursday 21st October 2010.

The Chair also gave a brief update on a recent Crown Court appeal which upheld the Licensing Committee's decision to revoke a Hackney Carriage driver's licence.

6. LICENSING UNIT ENFORCEMENT REPORT

The Licensing and Planning Enforcement Manager 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 in Quarter 1- 1st April 2010 and 30th June 2010 and in Quarter 2 – 1st July 2010 to 30th September 2010. The reason 2 Quarters were presented at this committee was due to the fact that the last committee meeting was cancelled. The report detailed the numbers of enforcement complaints and test purchase operations carried out by the Licensing Unit and other agencies. The Licensing and Planning Enforcement Manager outlined that there were 2 amendments; one in appendix A and also one in appendix D.

Following the Licensing Conference which was held on the 15th July 2010 the Licensing and Planning Enforcement Manager updated the committee on the event. There was a good turn out and the event ran smoothly, hopefully the conference would return next year.

Upon hearing the item, the committee discussed the following:

- Licensing Conference
- Amount of premises complaints in both Quarters
- Further statistics to be provided in future reports
- Taxi drivers informing Licensing Unit of penalty points
- Councillors attending enforcement operations

Resolved:

That the contents of the report and appendices be noted.

7. DRAFT STATEMENT OF LICENSING POLICY

The Licensing Officer outlined the purpose of the report which was to inform the committee of the new revised Statement of Licensing Policy. There had only been minor changes, the main one was in relation to the petitions. As there was now legislation in place for Sexual Entertainment Venues, this had now been removed from the policy along with a few grammatical changes. The policy would be taken to Full Council on the 15th December 2010.

Upon hearing the item, the committee discussed the following:

- Praise to the Officer in relation to the report.
- Government changes – how these would reflect in the policy.
- Publication of changes document only.

Resolved:

That the contents of the report be noted and recommend Full Council approval on 15th December 2010.

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.

NB. Due to the absence of the applicant, it was agreed by the Chair that Item E2 be considered at end of the agenda.

9. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MA

The Chair 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 Applicant spoke in favour of the 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 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, the Council's Guidelines on Convictions and the Committee took into account all the relevant information put before them.

10. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MS

The Chair 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 proposed application for a Hackney Carriage Drivers Licence.

The Applicant spoke in favour of the 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 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.

NB. Councillor Gill left the committee at this point in the meeting.

11. REPORT TO CONSIDER THE REVOCATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – ZH

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 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 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 application be deferred. The Committee considered that the letter submitted in support of the Applicant was not sufficient to enable them to be able to make a decision and requested that the matter be deferred to enable the letter to be substantiated.

NB. Councillor Gill returned to the committee.

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

The Legal Advisor updated the committee on the item and advised that the item be deferred as there were some outstanding legal proceedings which were still ongoing.

Resolved:

- That the application be deferred until the outstanding legalities were resolved.

The meeting commenced at 6.30pm and closed at 9.00pm

CHAIRMAN _____