

MINUTES OF: LICENSING COMMITTEE

Date of Meeting: 23rd October 2012

**Present: Councillor Gill (in the Chair)
Councillors: Ashworth, Cheetham, Crawforth, De Souza,
Eaton, Farrington, McInnes, Neal, Procter and Shipley.**

**In Attendance: Tracy Brzozowski, Licensing and Enforcement Manager
Danny Dobson, Licensing and Enforcement Officer
Carolyn Sharples, Committee and Member Services
Manager
Lorna McShane, Legal and Democratic Services Manager**

**Also Present: 18 members of the public
Councillor Serridge**

BUSINESS MATTERS

1. APOLOGIES FOR ABSENCE

Apologies had been received on behalf of Councillor Hughes (Councillor McInnes sub) and Councillor Wilkinson (Councillor Procter sub).

2. MINUTES

Resolved:

That the minutes of the meeting of the Licensing Committee held on the 4th September 2012 be approved and signed by the Chair as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEM OF BUSINESS

There were no urgent items of business.

5. PROPOSED SOUTH STREET TAXI STAND

Councillor Eaton asked to comment on a meeting held the day before. The Chair informed that the current item being discussed was the proposed South Street taxi stand and that members would be asked to comment on this item once the report had been introduced.

The Licensing and Enforcement Manager outlined the purpose of the report which was to appoint a hackney carriage stand for three hackney carriages at South Street, Bacup under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976. The hours of operation would be Monday to Sunday, 24 hours and all matters relating to the appointment of the hackney carriage stand

would be delegated to the Licensing and Enforcement Manager in consultation with the Chair of the Licensing Committee.

The Licensing and Enforcement Manager informed members of an error on Appendix A and that Lumb Scarr should say 12 rather than 10.

Mr D Lawrie spoke on the item.

Upon hearing the item, the committee discussed the following:

- The stand was for three taxis.
- Possibility of a further 10 spaces on the opposite side of South Street.
- 300 licensed vehicles in Rossendale.
- Incidents at Lumb Scarr and missiles being thrown.
- Dropped kerb on South Street.
- Pointless exercise if they don't get any further spaces on South Street.
- Were police taking action with Lumb Scarr issues?

In response to questions the Licensing and Enforcement Manager confirmed that a further proposal for a taxi stand would be coming before the committee on 4th December.

In response to a comment made by Councillor Eaton, the Chair asked if he was speaking on behalf of the taxi trade. Councillor Eaton confirmed that he had been lobbied on this item and that he had declared it on the lobbying register.

In response to questions raised regarding the dropped kerb, the Licensing and Enforcement Manager confirmed that Lancashire County Council Highways wanted to keep the dropped kerb where it was. Councillor Eaton clarified that he had not seen the dropped kerb being used, as stated at Appendix C, but had made a comment whilst on a site visit that it could be used by someone with a wheelchair.

Resolved:

1. That the Licensing Committee appoint a hackney carriage stand for three hackney carriages at South Street, Bacup under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
2. That the hackney carriage stand hours of operation be Monday to Sunday, 24 hours.
3. That all matters relating to the appointment of the hackney carriage stand be delegated to the Licensing and Enforcement Manager in consultation with the Chair of the Licensing Committee.

Due to the number of items on the agenda the Chair asked the Licensing and Enforcement Manager to outline to all persons present the relevant information which applied to all confidential applications.

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 APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – S.Am

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer 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 Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

1. 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.
2. 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.

8. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – Sa.A

The Chair welcomed the Applicant and the Applicant's Representative to the meeting.

The Licensing and Enforcement Manager presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Licensing and Enforcement Manager, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement 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:

1. 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.
2. 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.

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

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

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Licensing and Enforcement Officer, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement 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:

1. 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.
2. 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.

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

The Chair welcomed the Applicant to the meeting.

The Licensing and 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 Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

1. 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.
2. 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.

There was a short comfort break before the meeting continued.

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

The Chair welcomed the Applicant to the meeting.

The Licensing and Enforcement Officer 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 Enforcement Officer and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

1. 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.
2. 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 APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MA

The Chair welcomed the Applicant to the meeting.

The Licensing and 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 Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement 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 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.

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

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

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Licensing and Enforcement Officer, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement 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 decision be deferred to the next committee to give the opportunity to pass the DSA test.

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.

N.B. Councillor Eaton left the meeting.

14. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MTM

The Chair welcomed the Applicant to the meeting.

The Licensing and 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 Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement Staff left the room to enable the Committee to determine the application.

Resolved:

1. 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.
2. 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.

15. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – MY

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

The Licensing and Enforcement Officer presented the report detailing the proposed application for a Hackney Carriage Drivers Licence.

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

The Committee Members asked questions of the Licensing and Enforcement Officer, the Applicant and the Applicant's Representative for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement 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 decision be deferred to the next committee to give the opportunity to pass the DSA test.

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.

16. REPORT TO CONSIDER THE APPLICATION OF A HACKNEY CARRIAGE DRIVERS LICENCE – UA

The Chair welcomed the Applicant to the meeting.

The Licensing and 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 Enforcement Manager and the Applicant for clarification purposes only.

The Applicant and the Licensing and Enforcement 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:

1. 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.
2. 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.

17. 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 Licensing and 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 Enforcement Manager and the Applicant for clarification purposes only.

The Applicant, Applicant's Representative and the Licensing and Enforcement 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.

The meeting commenced at 6.30pm and closed at 10.30pm

CHAIRMAN
