

LICENSING AND ENFORCEMENT COMMITTEE

MEETING : Tuesday, 15th March 2011

PRESENT : Cllrs. Durrant (Chair), C. Witts (Vice-Chair), Tracey, Noakes (Spokesperson), Gill, Brown, Dee, Porter, Beeley and Dallimore

Officers in Attendance

Gill Ragon, Group Manager, Environmental Health and Regulatory Services

Lisa Wilkes, Food Safety and Licensing Service Manager

Rebecca Tuck, Licensing Enforcement Officer

Steve Isaac, Solicitor

Anthony Hughes, Democratic Services Officer (Secretary)

APOLOGIES : Cllrs. Gillespie, Field and Taylor

62. DECLARATIONS OF INTEREST

There were no declarations of interest.

63. PUBLIC QUESTION TIME

There were no questions from the public.

64. PETITIONS AND DEPUTATIONS

There were no petitions or deputations.

65. MINUTES

The minutes of the meetings held on the 15th and 22nd February 2011 were confirmed as a correct records and signed by the Chair.

66. MINUTES OF LICENSING SUB-COMMITTEES

The minutes of the Licensing Sub-Committee held on the 14th December 2010 were confirmed as a correct and signed by the Chair.

67. DATE OF NEXT MEETING

RESOLVED

That dependent on business for the next ordinary meeting of the Licensing and Enforcement Committee on 12 April 2011, a Licensing Sub Committee shall be hold in place of, or immediately following, the meeting (to consider an application for a new premises licence under the Licensing Act 2003).

68. EXCLUSION OF PRESS AND PUBLIC

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RESOLVED -

That the press and public be excluded during the following items of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of these items there will be disclosure to them of exempt information as defined in paragraph 1 of section 1001 of the Local Government Act, 1972 as amended.

69. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DISCIPLINARY MATTER - HACKNEY CARRIAGE DRIVER NUMBER 183 - MR S.M.

The Chair welcomed the licence holder and outlined the procedure for the hearing.

The Licensing Officer presented the report to the Committee and advised of the circumstances of the offence. The Committee was advised that the purpose of the hearing was to determine whether, in view of the offence, the licence holder was a fit and proper person to continue to hold a Hackney Carriage Drivers Licence. The Committee was referred to the paragraphs of the adopted guidelines relating to the relevance of convictions and outlined the courses of the action available to the Committee:

- To take no action
- To issue a written warning
- To suspend the Hackney Carriage Licence for a period of time to be determined by the Committee but not for a period exceeding the expiry date of the current licence.
- To revoke the licence and if the committee so determine to consider whether to give an indication of a suitable time period to elapse before a fresh application would be considered.

The licence holder indicated that he had no questions to ask of the Officer.

A member asked a question of the Officer and a reply was given thereto.

The licence holder presented their case and the officer and committee members indicated that they had no questions to ask of the Licence Holder.

Following the summing up by the Licensing Officer and the licence holder of their respective cases, all parties withdrew from the meeting whilst the committee considered its decision.

On re-entering the room, all parties were advised of the following decision. In advising of the decision, the Chair commented that the committee held concerns regarding the number of traffic offences and, in view of the committee's role to ensure public safety, emphasised the importance that the Licensing Authority should be notified of traffic offences within the prescribed timescale. Having acknowledged Mr. S.M's undertaking to take more care in the future, the committee had -

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RESOLVED -

That Mr.S.M. holder of Hackney Carriage Drivers Licence (HCD 183) be issued with a final written warning which remains on the Licence Holder's record for a period 12 months.

The Chair indicated that the committee had concerns over the amount of points Mr. S.M had amassed and reminded him to notify the Council in the future.

70. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - DISCIPLINARY MATTER - PRIVATE HIRE DRIVERS LICENCE 159 - MR G.W.

The Chair welcomed the licence holder and outlined the procedure for the hearing.

The Licensing Officer presented the report to the Committee and advised of the circumstances of the offence. The Committee was advised that the purpose of the hearing was to determine whether, in view of the offence, the licence holder was a fit and proper person to continue to hold a Private Hire Drivers Licence. The Committee was referred to the paragraphs of the adopted guidelines relating to the relevance of convictions and outlined the courses of the action available to the Committee:

- To take no action
- To issue a written warning
- To suspend the Private Hire Drivers Licence for a period of time to be determined by the Committee but not for a period exceeding the expiry date of the current licence.
- To revoke the licence and if the committee so determine to consider whether to give an indication of a suitable time period to elapse before a fresh application would be considered.

The licence holder asked questions of the Officer particularly in relation to the nature of the offence and court conviction that he had received.

Committee members had no questions to ask of the Officer.

The licence holder presented his case. The Licensing Officer had no questions to ask of the licence holder. Members asked questions of the licence holder and replies were given thereto.

Following the summing up by the Licensing Officer and the licence holder of their respective cases, all parties withdrew from the meeting whilst the committee considered its decision.

On re-entering the room, all parties were advised of the following decision;

RESOLVED -

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That Private Hire Drivers Licence (PHD 159) be revoked.

The Committee gave an indication that no further application would be entertained for a minimum period of three years, for the following reasons:

The Chair advised that the committee was here to ensure the safety of members of the public when using Private Hire Vehicles for transportation, and to ensure that applicants are a fit and proper person. The Committee had noted that Mr. G.W. had shown reluctance to accept the seriousness of the offence that he was convicted of. Therefore, under Section 61 (1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 which refers to convictions for violence, the Committee has decided to revoke Mr. G.W.'s licence.

Time of commencement: 18:30 hours

Time of conclusion: 20:02 hours

Chair