

LICENSING SUB-COMMITTEE

Monday 14 March 2011

Present:

Councillors Branston, Mrs Danks and Taghdissian

Also Present:

Senior Licensing Officer (IL), Licensing Solicitor and Member Services Officer (HB)

6 **APPOINTMENT OF CHAIR**

Councillor Taghdissian was appointed Chair for this meeting.

7 **DECLARATION OF INTERESTS**

No declarations of interest were made by Members.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

8 **APPLICATION FOR THE RENEWAL OF A SEX SHOP LICENCE**

The Principal Licensing Officer presented the report setting out an application by Timothy Martin Hemmings in respect of the premises trading as Simply Pleasure, 156 Sidwell Street for the renewal of the licence to operate as a shop licensed under the provisions of the above legislation.

The Principal Licensing Officer advised that the application had been properly advertised and that no objection had been received in response to that advertisement.

RESOLVED that the application for the renewal of the licence for a 12 month period be granted.

(Report circulated)

9 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following items on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

10 **APPLICATION FOR THE RENEWAL OF A PRIVATE HIRE VEHICLE LICENCE (MR SK)**

The Chair introduced the Sub Committee Members and Officers.

The Principal Licensing Officer presented an application from Mr K to renew a Hackney Carriage Vehicle Licence in relation to a vehicle which was over eight years old. The vehicle, a Ford Mondeo saloon car, registration mark MJ02 UHS had first been registered on 24 May 2002.

Mr K confirmed that he wished to renew the licence for a further 12 months.

The Sub Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that the application for the renewal of a Hackney Carriage vehicle licence for a vehicle which is over eight years old be approved for a period of 12 months subject to an independent vehicle inspection.

(Report circulated to Members)

11 **APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE OR
PRIVATE HIRE VEHICLE (MR DR)**

The Chair introduced the Sub Committee Members and Officers.

The Principal Licensing Officer presented an application from Mr R, an applicant for a licence to drive a Hackney Carriage or Private Hire Vehicle. Mr R's application had shown a conviction for possessing a Class A drug (cocaine).

His licence also showed a speeding offence [SP30] in October 2009. This offence if identified in isolation would normally be dealt with under delegated powers but the Sub Committee was asked whether it wished to take it into consideration if it was felt to be relevant.

Mr R attended the meeting and spoke in support of his application. He stated that the incident had occurred on a night out with friends in Plymouth when one of them had been offered and accepted cocaine outside a nightclub. He had subsequently been handed the drug for safe keeping. Later on, within a different venue, the drug had been found on him following a search by the club security and the manager had summoned the Police. He had subsequently received a Police caution. He had submitted two references, one from his current employer Domino Pizzas and one from BOC, a previous employer on Friday 11 Mach 2011.

The Sub Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that the application for a licence to drive a Hackney Carriage or Private Hire Vehicle be granted with a strong warning that the licence would be at risk if any further offences are committed during the life of that licence.

(Report circulated to Members)

12 **APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE OR
PRIVATE HIRE VEHICLE (MR MP)**

The Chair introduced the Sub Committee Members and Officers.

The Principal Licensing Officer presented an application from Mr P, an applicant for a licence to drive a Hackney Carriage or Private Hire Vehicle. Mr P's application had shown two convictions

The first related to a one year ban for drink driving in 1999. The sentence had been reduced following the completion of a driver rehabilitation course. The policy relating to relevant convictions required that any drink driving conviction whether spent or not be placed before a Licensing Sub Committee for determination.

The second matter related to a traffic signal offence [CU 80] in November 2007, being a conviction for driving whilst using a mobile phone. This offence if identified in isolation would normally be dealt with under delegated powers but the Sub Committee was asked whether it wished to take it into consideration of if it was felt to be relevant.

Mr P attended the meeting and spoke in support of his application. He explained the background to the former offence for which he had received a 12 month ban reduced to nine months after attending the course. With regard to the second matter, he reported that his HGV cab did not at the time possess a hands free system.

The Sub Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that the application for a licence to drive a Hackney Carriage or Private Hire Vehicle be granted with a strong warning that the licence would be at risk if any further offences are committed during the life of that licence.

(Report circulated to Members)

13

APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE (MR DW)

The Chair introduced the Sub Committee Members and Officers.

The Principal Licensing Officer presented an application from Mr W, an applicant for a licence to drive a Hackney Carriage or Private Hire Vehicle. Mr W's application had shown two convictions

The first related to a one year ban for drink driving in 2007. The policy relating to relevant convictions required that any drink driving conviction whether spent or not was placed before a Licensing Sub Committee for determination.

The second matter related to a speeding offence [SP30] in February 2010. This offence if identified in isolation would normally be dealt with under delegated powers but the Sub Committee was asked whether it wished to take it into consideration of if it was felt to be relevant.

Mr W attended the meeting and spoke in support of his application. He had received a 16 month ban. He stated that he had attended a rehabilitation course and found the course to be very illuminating and as a consequence would never drink drive again.

The Sub Committee retired to make its decision in the presence of the Licensing Solicitor and the Member Services Officer.

RESOLVED that the application for a licence to drive a Hackney Carriage or Private Hire Vehicle be granted with a strong warning that the licence would be at risk if any further offences are committed during the life of that licence.

(Report circulated to Members)

(The meeting commenced at 9.30 am and closed at 10.42 am)

Chair