

LICENSING COMMITTEE

25 March 2014

Present:

Councillor Catherine Dawson (Chair)

Councillors Laws, Clark, D J Henson, Macdonald, Payne, Ruffle and Tippins

Apologies:

Councillors Choules, Denham, Newby, Pearson, Shiel and Winterbottom

Also present:

Licensing Solicitor, Environmental Health Manager, Principal Licensing Officer and Democratic Services Officer (Committees) (HB)

4 **Declarations of Interest**

No declarations of interest were made by Members.

5 **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 involve the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Part I, Schedule 12A of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

6 **Application for the issue of a Street Consent (Mr DC)**

The Principal Licensing Officer reported that Mr DC had applied to vary his street trading consent to allow the sale of doughnuts instead of jacket potatoes on two of his permitted days. Mr DC currently sold jacket potatoes in Castle Street Monday to Saturday.

The permitted hours were reduced for the proposed days to 10.00 am - 17:00 pm Saturday and Sunday only.

Mr DC had identified a new mobile unit from which to trade which would be smaller than the one currently permitted ensuring that access and egress to and from the area would not be impeded. The proposed unit would be approximately 10ft by 6ft in size and on wheels for mobility purposes. Mr DC had requested that any additional fee for the varied consent should be waived as a fee had already been paid for the substantive application.

Mr DC attended and spoke in support of the application. Mr DC responded to Members' questions in respect of noise and emission and dispersal of fumes from an electric generator that would be necessary to prepare the doughnuts. The

Committee's expectation was that while consideration should be given to any suitable generator it should be noiseless and fumeless.

The Licensing Committee retired to make its decision.

RESOLVED that:-

- (1) subject to any generator being to the satisfaction of the Assistant Director Environment with regard to noise and emissions so far as is reasonable, given the location and bearing in mind previous practices not to allow generators in this location, the street trading consent be varied to permit the sale of doughnuts; and
- (2) the request for the waiver of the fee be supported.

TRANSPORT ACT 1985

TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16

7 Application for a Hackney Carriage Vehicle Licence (Mr SH)

The Principal Licensing Officer presented the report.

SH was present in the waiting area but had declined to come in to the hearing as he was suffering some difficulties following the sudden ill health of a relative earlier that day. The Licensing Solicitor had spoken to him at length and it was recorded that he wished his application to proceed. He had nothing further to add to what was presented in writing and would remain in the waiting area for the Licensing Solicitor to convey any queries or points of clarification that there were. Further, SH declined an adjournment of the application.

It was noted that any agreement to return a hackney carriage licence to the Council would be unenforceable although the Law Commission was currently considering provisions.

RESOLVED that there was no evidence of significant unmet demand before the Licensing Committee and there was no exceptional reason justifying a departure from the Council's policy not to grant a licence and so SH's application be refused.

The meeting commenced at 5.30 pm and closed at 6.17 pm

Chair