

LICENSING SUB-COMMITTEE

Tuesday 16 July 2024

Present:

Councillors Bennett, Harding and Wood

Also Present:

Senior Licensing Officer, Licensing Officer, Democratic Services Officers, Work Experience Student (Licensing), Legal Advisor and Apprentice Solicitor

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APPOINTMENT OF CHAIR

Councillor Wood was appointed as Chair for this meeting.

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DECLARATIONS OF INTEREST

No declarations of interest were made by Members.

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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.

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APPLICATION FOR CONSENT TO ENGAGE IN STREET TRADING

The Chair introduced the Licensing Sub-Committee Members and Officers. The Apprentice Solicitor set out the hearing procedure and the Applicant agreed that the procedure was understood.

The Licensing Officer presented the report, which advised the Applicant was seeking the approval of the Licensing Sub-Committee for a street-trading consent applicable to a stationary coffee and snacks trailer. The Applicant had applied for a 12-month licence to trade Monday to Sunday between 08:00 and 22:00 hours.

The Applicant had submitted photographs of the trailer type to be used for the scheme and of the recycled and reclaimed seating area, which were included in the report papers.

The Applicant spoke in support of the application, making particular reference to:-

- the community of the Cameron Mills Group;
- the disused parcel of land; and
- the positive feedback received from people who had heard about the proposal.

In response to questions from the Members, the Apprentice Solicitor and the Licensing Officer, the Applicant clarified that:-

- the atmosphere was family friendly to attract users of the Cameron Mills building and anti-social behaviour was not anticipated;
- the refrigerator would be powered by a socket in the building;
- there would be someone with a food hygiene certificate present at all times;

- and
- vegan options would be available.

RESOLVED that the application be approved with the following conditions:

- a) all of the conditions contained within Appendix A of the Street Trading Policy dated 2015 should be included in the consent;
- b) the consent holder will provide a bin for customer use and that the consent holder will ensure that any rubbish in the vicinity (within 100m of the business), emanating from the business is cleared away at regular intervals;
- c) the use of A boards and flags be prohibited;
- d) the consent holder will not conduct fly posting;
- e) in the event that issues do arise from this consent, then this consent may be revoked by the Service Lead Environmental Health and Community Safety in consultation with the Chair of the Licensing Committee;
- f) in line with the Council's resolution of 24th April 2018, any cutlery, food/ drink containers, and drinking straws used should not be made from single use plastics.

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HEARING TO DETERMINE WHETHER AN APPLICANT FOR A HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO HOLD A THE LICENCE

The Chair introduced the Licensing Sub Committee Members and Officers. The Applicant had been referred to the Licensing Sub Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Apprentice Solicitor set out the procedure for the hearing and explained Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority must be satisfied that an applicant is a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Apprentice Solicitor stated that the evidential burden is on the Applicant to prove fitness and propriety on the balance of probabilities. Every case before the Licensing Sub-Committee was heard on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Licensing Officer presented the report and gave evidence in respect of the application.

The Applicant spoke in support of the application and responded to questions from Members, the Senior Licensing Officer, the Legal Advisor and Apprentice Solicitor.

The Applicant, Licensing Officer and Work Experience Student left the room so that Members could determine the application.

RESOLVED that the Licensing Sub-Committee was satisfied that the Applicant was a fit and proper person to hold a taxi driver's licence for a Hackney Carriage/Private Hire Vehicle.

**HEARING TO DETERMINE WHETHER A HOLDER OF A HACKNEY CARRIAGE
/ PRIVATE HIRE DRIVERS LICENCE IS A FIT AND PROPER PERSON TO
HOLD A THE LICENCE**

Prior to the hearing the Democratic Services Officer showed the CCTV video footage to the Licensed Driver in the presence of the Licensing Officer. The Licensed Driver confirmed that it was his vehicle and him in the CCTV video footage and agreed for it to be shown to the Licensing Sub-Committee.

The Chair introduced the Licensing Sub-Committee Members and Officers. The Licensed Driver had been referred to the Licensing Sub-Committee to determine if he was a fit and proper person to hold a licence to drive a Hackney Carriage/Private Hire Vehicle.

The Apprentice Solicitor set out the procedure for the hearing and explained Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 stating that the Licensing Authority may revoke or suspend the Licence for offences specified in that provision or any other reasonable cause.

The Apprentice Solicitor stated that the evidential burden is not on the Licensed Driver to prove fitness and propriety, but for the Licensing Sub-Committee to be satisfied on the balance of probabilities that he is no longer a fit and proper person to hold a taxi driver's licence. Every case before the Licensing Sub-Committee is determined on its individual merits and the main concern of the Licensing Sub-Committee was the safety of the travelling public.

The Senior Licensing Officer presented the report to the Licensing Sub-Committee setting out the issues that had resulted in the Licensed Driver being brought before the Licensing Sub-Committee for a determination.

The Licensed Driver made submissions in response to the evidence set out in the report and responded to questions from Members, the Senior Licensing Officer, the Legal Advisor and the Apprentice Solicitor.

The Licensed Driver provided four character references.

The Licensed Driver and Senior Licensing Officer left the room so that Members could determine the application.

RESOLVED that the Licensing Sub-Committee was satisfied on the balance of probabilities that the Licensed Driver was no longer a fit and proper person to hold a taxi driver's licence, and that his licence shall be revoked with immediate effect in accordance with section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

(The meeting commenced at Time Not Specified and closed at 3.29 pm)

Chair