

MINUTES

LICENSING COMMITTEE
FRIDAY, 18 MAY 2012



COMMITTEE MEMBERS PRESENT

Councillor Robert Broughton
Councillor Breda Griffin
Councillor Vic Kerr
Councillor Graddon Rowlands

Councillor Bob Russell (Vice-Chairman)
Councillor Mrs Jean Taylor
Councillor Frank Turner

Councillor Mark Ashberry attended as an observer as he was yet to undertake the necessary training for the Committee.

OFFICERS

Legal & Democratic Service Manager/Legal advisor to Committee (John Armstrong)
Licensing Officers (Peter Harrison, Richard Etherton)
Democratic Officer (Lucy Bonshor)

45. APOLOGIES

Apologies for absence were received from Councillors Bosworth, Chivers and Howard.

46. DECLARATIONS OF INTEREST

None declared.

47. MINUTES OF THE MEETING HELD ON 27TH APRIL 2012

The minutes of the meeting held on 27th April were agreed as a correct record of the decisions taken.

EXCLUSION OF THE PUBLIC

In accordance with Section 100A of the Local government Act 1972, it was resolved that the public be excluded because of the likelihood in view of the nature of the business to be transacted that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Schedule 12A of the Act.

48. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

Decision:

That the application for a Hackney Carriage Licence be approved as applied for subject to the applicant passing a knowledge test, as the Committee are satisfied that the driver is a 'fit and proper person' pursuant to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Solicitor to the Committee introduced those present and clarified the applicant's name and that he was present to speak on his own behalf and confirmed that the public were excluded from the meeting.

The Licensing Officer presented exempt report CSL008 from the Service Manager, Community Safety and Licensing, which concerned an application for a Hackney Carriage Driver's Licence. The Licensing Officer presented the report and provided a background to the application and summary of the offences for which the applicant had been convicted, as well as other related information. He read an extract from South Kestevens Hackney Carriage and Private Hire Licensing Policy relating to the offences and convictions which the applicant had. He asked the Committee to consider whether the driver was a 'fit and proper person' to hold a Hackney Carriage Driver's Licence.

The applicant then presented his case, stating that he welcomed the opportunity to put his case forward and answered Members questions.

The Licensing Officer informed the Committee that if they were minded to grant his licence he would have to undertake a knowledge test.

The Licensing Officer then gave a closing statement in which he reminded Members to have regard to the report, the appendices attached to the report and any other information supplied by the applicant at the meeting. Members options were to either:

- issue a licence to drive a hackney carriage
- or refuse to issue a licence to drive a hackney carriage on the grounds that the applicant is not a fit and proper person to hold such a licence under Section 59A of the Local Government (Miscellaneous Provisions) Act 1976.

The applicant confirmed that he was aware that he would have to undertake a knowledge test if the licence was granted.

(10.46am Applicant and Licensing Officers left the meeting)

Members considered the report, the applicant's convictions, the time elapsed since the convictions and the applicant's current behavior. It was proposed and

seconded that the applicant was a 'fit and proper person' to hold a Hackney Carriage Driver's Licence. On being put to a vote, this was unanimously carried.

(10.52am Applicant and Licensing Officers returned to the meeting)

The Solicitor to the Committee read out the Committees decision stating that the Committee had carefully considered the report and the information the applicant had supplied and they had decided to grant a hackney carriage drivers licence subject to the applicant passing a knowledge test as they considered the applicant to be a fit and proper person.

49. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

Decision:

That the application for a Hackney Carriage Licence be approved as applied for subject to the applicant passing a knowledge test, as the Committee are satisfied that the driver is a 'fit and proper person' pursuant to Section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Solicitor to the Committee introduced those present and clarified the applicant's name and that he was present to speak on his own behalf.

The Licensing Officer presented exempt report CSL010 which concerned an application for a Hackney Carriage Driver's Licence. The Licensing Officer summarized the offences and background information to the application. A Member asked a question in connection to the application and the Licensing Officer referred him to the appendices of the report.

The applicant then briefly presented his case and answered Members questions.

The Licensing Officer gave a closing statement and reminded Members to have regard to the report and appendices and any further information the applicant had provided. The Committee could either;

- Grant the application for a hackney carriage driver's licence; or
- Reject the application for a hackney carriage driver's licence on the grounds that the applicant is not a fit and proper person to hold such a licence under section 59 of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Officer stated that the applicant would be required to pass a knowledge test if the Committee were minded to grant the licence.

(11.01am Applicant and Licensing Officers leave the meeting)

Members considered the report, the applicant's convictions, the time elapsed since the convictions and the applicant's current behavior. Concern was expressed by some Members about some of the convictions that the applicant had even though a long period of time had lapsed. It was proposed and seconded that the applicant was granted a hackney carriage driver subject to passing a knowledge test. On being put to a vote, this was agreed.

(11.09am Applicant and Licensing Officers returned to the meeting)

The Solicitor to the meeting read out the Committees decision and informed the applicant that the Committee had not found it an easy decision to make due to the applicants past conduct and the seriousness of his convictions. However, they had decided that the applicant was a fit and proper person and had granted a hackney carriage driver's licence subject to the applicant passing a knowledge test but to be mindful of his future conduct.

**50. APPLICATION TO RENEW A SEX SHOP LICENCE - PULSE & COCKTAILS
A1 SOUTHBOUND, STOKE ROCHFORD, GRANTHAM.**

Decision:

That the Licensing Committee approve the renewal the application for a Sex Shop Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policy and Crime Act 2009).

The Licensing Officer submitted report CSL009 which concerned the renewal of a sex shop licence for the premises known as Pulse and Cocktails, Al Southbound, Stoke Rochford, Grantham. He reminded the Committee that each application should be determined on its own merits; however applications could only be refused on certain defined mandatory or discretionary grounds as listed within the report. The applicant had run a sex shop from April 2009 up to 28 March 2012. No complaints had been received by the authority from responsible authorities, members of the public or nearby businesses. The applicant had been invited to attend the hearing but as no representations had been received, had felt it unnecessary to do so. A minor change had been requested with regard to opening hours. The applicant had requested that the Sex Shop was open Monday – Sunday 09:00 to 22:00hrs (including Bank Holidays). A Member asked if this contravened Sunday Trading hours, the Licensing Officer replied that Sunday Trading Hours took precedent. Businesses often asked for the hours outside Sunday trading in case Sunday Trading Hours were extended in the future. Further questions were asked about the premises to which the Licensing Officer replied.

The Licensing Officer then gave his closing statement and listed the options

open to the committee.

(11.24am Licensing Officers left the meeting)

Members discussed the information contained within the report and the fact that no complaints had been received from any of the responsible authorities, members of the public or nearby businesses. It was proposed, seconded and agreed to renew the licence as applied for.

(11.25am Licensing Officers returned to the meeting)

The Solicitor to the Committee informed those present that the Committee had considered the report before them and had agreed to renew the licence as applied for.

51. CLOSE OF MEETING

The meeting closed at 11.26am.