

Minutes of Licensing Sub-Committee

Meeting Date: Tuesday, 3 November 2015, starting at 4pm
Present: Councillor J Alcock (Chairman)

Councillors:

P Elms
J Holgate

In attendance: Solicitor, Electoral and Licensing Officer, Taxi Enforcement Officer.

APOLOGIES

There were no apologies for absence from the meeting.

DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the fact that the following items of business by exempt information under Category 1 of Schedule 12A of the Local Government Act 1972, the press and public be now excluded from the meeting.

LICENSING HEARING – TAXIS

Private Hire Driver's Licence

Committee received a report of the Head of Legal and Democratic Services which included the infringements which had taken place.

The driver was not present to make any representations to the Sub-Committee, but the Sub-Committee did take into account his written representations.

RESOLVED: The Sub-Committee decided that 6 points should be imposed on the driver's private hire driver's licence.

Private Hire Driver's Licence

The Sub-Committee considered a report of the Head of Legal and Democratic Services which included the infringements which had taken place.

The driver was given the opportunity to make representations to the Sub-Committee, who then considered all the circumstances, and determined the use of sanctions against the licence holder.

RESOLVED: The Sub-Committee agree that the conduct of the driver has not been that of a fit and proper person to hold a licence and the driver should be suspended for a period of 6 months to deter him from misconduct in the future and so render him once again a fit and proper person.

Private Hire Driver's Licence

Committee considered a report of the Head of Legal and Democratic Services which included the infringements that had taken place.

The driver was given the opportunity to make representations to the Sub-Committee who then considered all the circumstances, and determined the use of sanctions against the licence holder.

RESOLVED: The Sub-Committee agreed that in the circumstances the infringement points issued on 6 July 2014 should not have been issued to the driver and should be removed from his licence so that only the infringement points issued on 27 June 2015 for failure to wear a private hire driver's badge would remain.

Hackney Carriage Driver's Licence

Committee considered a report of the Head of Legal and Democratic Services which included the infringements that had taken place.

The driver was given the opportunity to make representations to the Sub-Committee who then considered all the circumstances, and determined the use of sanctions against the licence holder.

RESOLVED: The Sub-Committee agreed that the conduct of the driver had not been that of a fit and proper person to hold a licence and that he should be suspended for 28 days to deter him from misconduct in the future and so render him once again a fit and proper person.

Hackney Carriage Driver's Licence

The Sub-Committee considered a report of the Head of Legal and Democratic Services which included the infringements which had taken place.

The driver was not present to make representations to the Sub-Committee but the Sub-Committee did consider an email submitted by the driver.

RESOLVED: The Sub-Committee concluded that the actions of the driver, including failure to ensure safety of passengers, driving whilst using the phone, and subsequent failure to report a traffic accident, meant that the driver was not a fit and proper person to hold a hackney carriage driver's licence, and that the appropriate action was to revoke the driver's licence pursuant to Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976. The Sub-Committee further agreed that it was in the interests of public safety for the revocation to have immediate effect pursuant to Section 61(2B) of the Act.

Hackney Carriage Driver's Licence

Committee considered a report of the Head of Legal and Democratic Services which included the accrued infringements points.

The driver was not present to make representations to the Sub-Committee.

RESOLVED: The Sub-Committee agreed that the conduct of the driver had not been that of a fit and proper person to hold a licence and that he should be suspended for 6 months to deter him from misconduct in the future and so render him once again a fit and proper person.

The meeting closed at 5.20pm

If you have any queries on these minutes please contact Diane Rice (414418).

Minutes of Licensing Sub-Committee

Meeting Date: Monday, 23 November 2015, starting at 10am
Present: Councillor S Brunskill (Chairman)

Councillors:

S Hind
S Atkinson

In attendance: Head of Legal and Democratic Services, Solicitor, Administration and Licensing (Alcohol & Entertainment) Officer, Electoral and Licensing Officer, Kristan Jane Dewell, John Foley, Kate Lawson, Richard Matthews, Nigel Bunyan, Chris Myerscough, Roger Park, Graham MacMillan, Nicholas Hellewell, Joel Hames-Clarke, George Brookes, Alan Clements, John Pickup, Joan Pickup, Christine Walmsley, Jason Walker, Sajjad Hussain.

AUTISAN CAFÉ, WHALLEY ABBEY, THE SANDS, WHALLEY

Committee considered a report submitted by the Head of Legal and Democratic Services on the determination of an application required under Section 18 of the Licensing Act 2003. The Applicant had made an application for a premises licence to be granted for the Autisan Café, The National Autistic Society, based at Whalley Abbey. The hours applied for were from 1000 hours to 1500 hours Monday to Thursday and 1000 hours to 1700 hours on Sunday and 1000 hours to midnight Friday to Saturday.

The Applicant informed the Committee that events in the café would be held to support families with Autism and that the sale of alcohol was to accompany food not as a bar and would not be open to the public in the evening but only for private parties.

Three representations had been received and were attached to the report for Committee's information. None of the individuals who had made representations attended the hearing.

RESOLVED: That the application be granted as applied for. The Sub-Committee decision is available at
https://www.ribblevalley.gov.uk/download/downloads/id/10457/autisan_cafe_whalley

THE GARDEN KITCHEN, HOLDEN CLOUGH NURSERY, HOLDEN

Committee considered a report submitted by the Head of Legal and Democratic Services on the determination of an application required under Section 35 of the Licensing Act 2003. The applicant had made an application to vary the premises licence under Section 34 of the Licensing Act 2003 to extend the hours for recorded music, live music and the sale of alcohol to midnight on every night.

The Applicant reported that they had had events in the evenings under Temporary Event Notices and that now they wanted to include these events within the licence, however the premises would not be open as a public house but on a pre-booked basis. They had no intention of running a public house. He recognised that there was a need for the planning permissions to be applied for. He also reported that there was a continuing need to diversify in order to keep his business viable.

There had been 23 relevant representations made which were included with the agenda papers. The individuals who had made representations and who were present at the hearing were given the opportunity to make verbal representations. These included concerns about the increase in noise to a late hour; public safety; the increase in traffic; a possible change in visitor profile; the premises being transformed into a party venue rather than a plant nursery/tearoom; that is was out of keeping with the peaceful hamlet. It was felt there was a lot of goodwill from the villagers towards this nursery/café but that any extensions to the licence would have a major detrimental effect on the neighbours in the village.

The Applicant reassured Committee that the variation to the licence was only to accommodate parties on a pre-booked basis and acknowledged that if the licence was varied that a planning application would also need to be submitted as the current conditions restricted the use.

RESOLVED: The Sub-Committee resolved to grant the application with reduced hours from those applied for and to incorporate additional conditions on the licence. The Sub-Committee decision is available at https://www.ribblevalley.gov.uk/download/downloads/id/10458/the_garden_kitchen_holden_clough_nursery

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the fact that the following items of business by exempt information under Category 1 of Schedule 12A of the Local Government Act 1972, the press and public be now excluded from the meeting.

TAXI INFRINGEMENT SCHEME

Committee considered a report submitted by the Head of Legal and Democratic Services to determine an appropriate use of sanctions available under the Local Government (Miscellaneous Provisions) Act 1976 against a hackney carriage and private hire driver in consequence of infringement points accrued under the Council's Infringement Scheme. The Council adopted its Infringement Scheme, the purpose of which was to sanction behaviour by drivers, operators or vehicles proprietors which contravenes the primary legislation or the Council's terms and conditions of licence but which could not properly be made the subject of a criminal sanction. The Council set a limit of 12 infringement points for hackney carriage/private hire drivers.

The driver in question held both hackney carriage and private hire drivers licences and had accrued a total of 20 points under the Council's Infringement

Scheme. Copies of the infringement notices were included for Committee's information.

Both the driver and his representative were given the opportunity to make representations and outline any extenuating circumstances they felt appropriate.

RESOLVED: The driver's private hire and hackney carriage licence be suspended for 3 months.

The meeting closed at 11.20am.

Minutes of Licensing Sub-Committee

Meeting Date: Wednesday, 9 December 2015, starting at 10am
Present: Councillor J Alcock (Chairman)

Councillors:

J Holgate
S Hind

In attendance: Solicitor, Electoral and Licensing Officer.

APOLOGIES

There were no apologies from the meeting.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no pecuniary and non-pecuniary declarations of interest.

EXCLUSION OF PRESS AND PUBLIC

That by virtue of the next item of business being exempt information under Category 1 of Schedule 12A of the Local Government Act 1972 the press and public be now excluded from the meeting.

LICENSING HEARING – TAXIS

Private Hire Driver's Licence

Committee received a report of the Head of Legal and Democratic Services on an application by an individual for the grant of a private hire driver's licence. The Sub-Committee were also made aware of the individual's infringement history in respect of a private hire driver's licence which had not been renewed, and a hackney carriage licence which had been revoked.

The individual was given the opportunity to make representations to the Sub-Committee, who then considered all the circumstances and decided that the individual was not a fit and proper person to hold a private hire driver's licence.

RESOLVED: The application was refused.

Private Hire Driver's Licence

The Sub-Committee considered a report of the Head of Legal and Democratic Services which included details of an overseas conviction recorded against the holder of a private hire driver's licence which had not been disclosed at the time of application for the licence on 10 July 2015. That application had been granted. The driver had not disclosed the conviction until 24 November 2015.

The driver's legal representative addressed the Sub-Committee, making representations with regard to the conviction and advancing an explanation for its non-disclosure.

The Sub-Committee took into account all submission, written and oral, the Council's Conviction Policy, and the statutory provisions, and concluded that the driver was not a fit and proper person to hold a licence.

RESOLVED: The licence should be revoked.

The meeting closed at 10.55am.

If you have any queries on these minutes please contact Diane Rice (414418).

Minutes of Licensing Sub-Committee

Meeting Date: Friday, 22 January 2016, starting at 10am
Present: Councillor J Alcock (Chairman)

Councillors:

P Elms
J Holgate

In attendance: Head of Legal and Democratic Services (RVBC), Solicitor (RVBC), Administration Licensing Officer (Alcohol and Entertainment) (RVBC), Pollution Control Officer (RVBC), Health and Safety Advisor (RVBC), Mr F O'Reilly, Councillor A Knox, Ms J Stawarski, Mr R Wilson, Mr R Roberts, Mr L Walmsley, Mr Miles, Mrs S Miles, Ms N Lamont-Shiels, Ms C Webster, Mr S Taylor (Solicitor for Applicant), Mr J Drape (Ground Control Productions Ltd), Ms R Lewis (Ground Control Productions Ltd), Mr A Newhouse (Ground Control Productions Ltd), Mr J Tyrell, Mr T James (SEP Ltd), Mr A Fish (SEP Ltd), Mr S Leeland (Aria Acoustics).

SUMMER DAYS LIVE LTD

The Sub-Committee considered a report submitted by the Head of Legal and Democratic Services on the determination of an application by Summer Days Live Ltd for a premises licence in respect of the Castle Grounds and Playing Fields, Clitheroe. The application was for a premises licence for up to 9 events annually, each lasting for up to 4 consecutive days. The proposed opening hours were from 11am to 12.30am; the proposed hours for on-sales of alcohol were from 11am to 10.30pm; the proposed hours for regulated entertainment of various types were from 10am to 11pm; and the proposed hours for late night refreshment were from 11pm to midnight.

Representations were made to the Sub-Committee by Mr S Taylor, Mr J Drape, Ms A Newhouse and Mr S Leeland on behalf of the applicant. The Sub-Committee also heard representations from Councillor A Knox, Ms J Stawarski, Mr R Roberts, Mr F O'Reilly, Mrs L Walmsley, Mr & Mrs Miles, Ms N Lamont-Shiels and Ms C Webster.

Having heard some of the representations the applicant indicated that it would vary its application so that there would be no more than 4 events annually with specified restrictions on the number of events with particular levels of attendance.

The Sub-Committee gave careful consideration to the representations of all parties, both verbal and written. They also considered the requirements of the Licensing Act 2003, the licensing objectives, the relevant regulations and the Council's Licensing Policy.

RESOLVED: The Sub-Committee resolved to grant the application with a maximum of 1 event per year; that event to have a maximum duration of 3 days; that the event days

must include Friday and Saturday and all must fall within the same calendar week (Monday to Sunday); and that the event should be limited to 10,500 to include all personnel on site as well as ticket holders. The Sub-Committee decision is available at:

https://www.ribblevalley.gov.uk/download/downloads/id/10522/summer_days_live_limited_-_castle_grounds_and_playing_fields

The meeting closed at 2.50pm.

If you have any queries on these minutes please contact Diane Rice (414418).

Minutes of Licensing Sub-Committee

Meeting Date: Monday, 1 February 2016, starting at 10am
Present: Councillor J Holgate (Chairman)

Councillors:

S Brunskill
G Scott

In attendance: Solicitor, Electoral and Licensing Officer, Taxi Enforcement Officer.

APOLOGIES

There were no apologies from the meeting.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no pecuniary and non-pecuniary declarations of interest.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the fact that the following items of business by exempt information under Category 1 of Schedule 12A of the Local Government Act 1972, the press and public be now excluded from the meeting.

LICENSING HEARING - TAXIS

Private Hire Operator's Licence

The Sub-Committee received a report from the Head of Legal and Democratic Services which set out details of an application made by an individual for the renewal of a private hire operator's licence. The report explained the history of submission of incorrect details on an application for renewal of the licence of a private hire vehicle by that individual.

The individual made written representations and further verbal representations to the Sub-Committee, explaining that another party had made a clerical error.

The Sub-Committee considered the representations in the report, and did not accept the explanation that there had been a clerical error. They considered that there had been an attempted deliberate misrepresentation, which in their opinion rendered the individual unfit to hold a private hire operator's licence.

RESOLVED: That the application for renewal of a private hire operator's licence be refused.

Private Hire Operator's Licence

The Sub-Committee considered a report of the Head of Legal and Democratic Services regarding an application by an individual for a private hire operator's licence, and also that individual's appeal against the decision of the Electoral and

Licensing Officer to impose 3 infringement points on his private hire driver's licence for failure to behave in a civil, polite and orderly manner to the Licensing Administration Assistant.

The individual attended the hearing, where he made verbal representations to supplement his earlier written representations.

The Sub-Committee considered all the evidence in front of them.

RESOLVED: That the appeal should be dismissed and the infringement points should remain on the private hire driver's licence, and that the private hire operator's licence should be granted on the basis that future incidents of this nature should be brought back to the Sub-Committee to consider whether the individual was a fit and proper person to hold a licence.

Private Hire Operator's Licence

The Sub-Committee received a report by the Head of Legal and Democratic Services with regard to an individual who had accumulated excessive points on his private hire operator's licence, in order to consider the use of sanctions and whether the individual was a fit and proper person to hold a private hire operator's licence. Counsel for the individual made submissions with regard to the investigatory process, and the process to bring these issues before Committee.

RESOLVED: The hearing be adjourned to a further date, when all facts could be considered.

Private Hire Driver's Licence

The Sub-Committee received a report by the Head of Legal and Democratic Services with regard to an appeal by an individual against the decision of the Electoral and Licensing Officer to impose points on his licence under the Infringement Scheme. The individual had made written representations and attended the meeting, where he made further verbal representations, in which he accepted the facts of the infringement.

The Sub-Committee considered all the evidence and the representations before them.

RESOLVED: That appeal be dismissed and the penalty points remain on the individual's private hire driver's licence.

The meeting closed at 11.50m.

If you have any queries on these minutes please contact Diane Rice (414418).