

Minutes of Licensing Sub-Committee

Meeting Date: Friday, 5 August 2016, starting at 10am
Present: Councillor J Alcock (Chairman)

Councillors:

S Brunskill
P Elms

In attendance:

Solicitor - RVBC
Administration and Licensing (Alcohol & Entertainment) Officer – RVBC
Malcolm Ireland – Applicant's Solicitor
Jonathan Crompton – Applicant
Councillor Allan Knox }
Mrs Catherine Roberts } Persons who had made relevant representations
Mr Richard Cowman }
Mr Alan MacLardy }

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.

SOBAR, 1B KING STREET, CLITHEROE

Committee considered a report submitted by the Head of Legal and Democratic Services on the determination of an application for a variation of a premises licence pursuant to Section 34 of the Licensing Act 2003. The Applicant already has the benefit of a premises licence originally granted on 13 September 2012 and transferred to him on 18 May 2015. The Applicant had now made an application to vary the premises licence. This included the extension of the hours within the operating schedule and alterations to various conditions.

The Applicant's Solicitor informed Committee that the Applicant had operated a premises in Whalley for the last 13 years and therefore had much experience. They were aware of historic issues at SoBar and had therefore waited for 12 months of trading before submitting the application for the variation. Some sound attenuation works had already been carried out. He informed Committee that the application to add a hour onto the trading hours across the board was in order to make the business viable, along with the addition of Bank Holiday trading. The late night refreshment application was to include hot cocktails and possibly food at some time in the future.

With regard to the application to change conditions he reported that several of these would be replaced by more rigid and relevant conditions which made reference to more recent acts. He was prepared to concede any extra use of the balcony if the yard area was allowed to be used for smokers during trading

hours, with the restriction of alcohol after 10.30pm. He referred to documents from Linda Boyer, the Council's Noise Pollution Officer and the Police Licensing Officer. He also informed Members that they would concede Thursday's of Bank Holiday weekends except for the Easter weekend and would use temporary event notices otherwise.

The Applicant's Agent made reference to the representations that had been submitted and in particular to their worries about discarded bottles and glasses and vomit and urine. He informed Committee that clients from the SoBar were not allowed to leave the premises with any bottles or glasses and that his staff also clear up at the end of the night. It would therefore appear that these were perhaps left by clients of other premises in the town. He went on to inform Committee that he was a big advocate of partnership working with residents and neighbours and that they were willing to move forward with this relationship and work together with particular regard to these issues as well as noise issues.

Five written representations had been received, four of which were attached to the report for Committee's information. Councillor Knox attended and made verbal representations with regard to the operation of the yard and the need for additional door supervisors.

Mrs Roberts attended and made verbal representations with regard to the noise of music and talking as well as the discarded glasses, bottles and other effluent.

Mr Cowman attended and made verbal representations with regard to the same issues and the worry that increased hours would destroy his quality of life.

Mr MacLardy attended and made verbal representations with regard to the extended hours and noise issues. He agreed that relationships needed to improve and accepted that if the two parties worked together then perhaps some noise attenuation could be achieved.

Written representations were also taken into account.

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

RESOLVED: The Sub-Committee resolve to grant the variation (reflecting the concessions made at the hearing) and to incorporate additional conditions on the licence. The Sub-Committee decision is available at:
https://www.ribblevalley.gov.uk/download/downloads/id/10725/sobar_1b_king_street_clitheroe.pdf

The hearing closed at 11.35am.

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

Minutes of Licensing Sub-Committee

Meeting Date: Monday, 17 October 2016, starting at 10am
Present: Councillor J Alcock (Chairman)

Councillors:

S Brunskill
S Hind

In attendance: Solicitor, Taxi Enforcement Officer.

APOLOGIES

There were no apologies of absence 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 following report being exempt information under Category 3 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

Sub-Committee received a report of the Chief Executive which included details of infringements that had taken place.

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

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

Hackney Carriage Driver's Licence

Sub-Committee received a report of the Chief Executive which included details of a conviction recorded against the driver in the Manchester Magistrates' Court, as a result of which the driver's hackney carriage driver's licence had been revoked. The report outlined the current application by the driver for issue of a hackney carriage driver's licence.

The driver attended with the proprietor of his hackney carriage, and explained the circumstances of the conviction and the basis upon which an appeal against conviction had been lodged in the Crown Court. The Sub-Committee advised the applicant that it could not look behind the conviction currently recorded, considered all the circumstances, and decided that the applicant was not a fit and proper person to hold a hackney carriage driver's licence.

RESOLVED: That the application be refused.

Private Hire Operator's Licence

Sub-Committee received a report of the Chief Executive outlining the background to suspension of the private hire operator's licence of the applicant in November 2015. This suspension had now expired. The applicant had applied for a new operator's licence, and Sub-Committee were required to determine that application.

The applicant's solicitor made representations to the Sub-Committee with regard to the applicant's background and history and explained the circumstances which had led to the suspension. The Sub-Committee then considered all the circumstances and determined that the applicant was a fit and proper person to hold a private hire operator's licence.

RESOLVED: The application be allowed.

Hackney Carriage Driver's Licence

Sub-Committee received a report of the Chief Executive on an application by an individual for the grant of a hackney carriage driver's licence, which outlined the driver's history and details of an infringement that had occurred after the driver's previous licence had expired.

The driver was given the opportunity to make representations to the Sub-Committee who then considered all the circumstances and determined that the individual was a fit and proper person to hold a hackney carriage driver's licence.

RESOLVED: That the application be allowed.

Hackney Carriage Driver's Licence

Sub-Committee received a report of the Head of Legal and Democratic Services on the appeal by an individual against a decision to impose infringement points on a hackney carriage driver's licence, and on the application by the same individual for the grant of a hackney carriage driver's licence.

The applicant and his solicitor made representations to the Sub-Committee in respect of the appeal and the application, setting out the circumstances in which the individual had driven his hackney carriage after the expiry of his licence, his personal circumstances, and his background in support of his application for a new licence.

The Sub-Committee considered all the circumstances and decided that the individual was a fit and proper person to hold a hackney carriage driver's licence. The Sub-Committee further considered representations and submissions of the individual and his solicitor with regard to the appeal against the imposition of infringement points.

RESOLVED: That

1. the application for a hackney carriage driver's licence be allowed;
2. the appeal be allowed in part and 12 points be endorsed on the driver's licence under the infringement scheme.

Private Hire Operator's Licence

Sub-Committee received a report of the Chief Executive with regard to an individual who had accumulated excessive penalty points on his private hire operator's licence, in order to consider the use of sanctions.

The individual and his representative made representations to the Sub-Committee, in addition to previous written submissions.

RESOLVED: That the individual was a fit and proper person to hold an operator's licence, that the penalty points should remain on his licence and that any further infringement would be referred for determination by the Sub-Committee.

The meeting closed at 11.30am.

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