

LICENSING SUB-COMMITTEE (SENSITIVE CASES)

MEETING, 21th APRIL, 2016

Present – Councillors Haworth (Chairman), C. Burrows, Mrs. Fairclough, Greenhalgh and Murray.

Councillor Haworth in the Chair.

30. MINUTES OF PREVIOUS MEETING

The minutes of the proceedings of a meeting of the Sub-Committee held on 23rd March, 2016 were submitted.

Resolved – That the minutes be agreed and signed as a correct record.

31. EXCLUSION OF PRESS AND PUBLIC

Resolved – That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as specified in paragraph 3 (financial and business affairs) of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in its exemption outweighs the public interest in its disclosure.

32. APPLICATION FOR A STREET TRADING CONSENT LER/06/16

The Director of Place submitted a report which set out details of an application which had been received for a Street Trading Consent. The report also set out details of the applicant's previous convictions.

The Committee heard representations both verbally and in written form from the Principal Licensing Officer.

The driver, his wife and solicitor attended the meeting and made representations and submitted references in support of

the application.

The Sub-Committee heard verbal representations from the Licensing Officer who advised members that the applicant had previously applied for a street trading consent, but it had been refused.

Resolved - That the application for a street trading consent be refused on the basis that the Sub-Committee is not satisfied that the applicant is a suitable person to hold a street trading consent at this time.

In coming to its decision, the sub-committee was mindful of its duty to protect the public including the most vulnerable in society and took into account the conviction of sexual exposure and the conviction of driving, or attempting to drive with alcohol level above limit from May 2010, which took place in front of young people.

The Sub-Committee also noted whilst the applicant was no longer on the sex offenders register for the exposure offence, he had only been removed from it in December 2015.

The Committee also took account of:-

- Police evidence and intelligence which recommended that the applicant was not a fit and proper person to hold a street trading consent at this time;
- The serious nature of the exposure incident in 2010 in front of some of the most vulnerable in the community;
- The Sub-Committee were not satisfied with the applicant's explanation of the incident being a one off due to stress and alcohol and were concerned what the applicant would do in future major stressful situations;
- The Sub-Committee were concerned that not enough time had elapsed since the applicant had come off the sex offenders register and he would be working in an unsupervised environment ;

- The applicant's conviction in 2010 of driving, or attempting to drive, with alcohol level above limit and the conviction in 2006 of failure to provide a breath specimen and 16 month driving disqualification, suggested a pattern of alcohol related offences. The Sub-Committee did not accept that the drink driving offence from 2010 was an isolated incident due to the previous conviction; and
- The Sub-Committee considered various tabled written material in support of the applicant which the Sub-Committee gave limited weight to including one which contained factual inaccuracies about him not having drunk alcohol previously.

The applicant's loss of livelihood was an irrelevant consideration.

There is therefore reasonable cause to refuse to grant the street trading consent

(The meeting started at 10.30am and finished at 12. 35pm)