

**LICENSING AND ENVIRONMENTAL REGULATION
COMMITTEE**

MEETING, 20th OCTOBER, 2015

Present – Councillors Donaghy (Chairman), Haworth (Vice-Chairman), C. Burrows, L. Byrne, Graham, Hall (as deputy for Councillor Mrs Fairclough), Harkin (as deputy for Councillor Chadwick), Haslam, Kirk-Robinson (as deputy for Councillor Wild), Martin, Murray, Morgan (as deputy for Councillor Greenhalgh), Richardson and Watters.

Apologies for absence were submitted by Councillor Chadwick.

Councillor Donaghy in the Chair.

29. MINUTES OF PREVIOUS MEETINGS

The minutes of the proceedings of a meeting of the Committee held on 22nd and 30th September, 2015 were submitted.

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

**30. MINUTES OF THE LICENSING SUB-COMMITTEE
(TRAFFIC MATTERS)**

The minutes of the proceedings of meetings held on 15th and 22nd September, 2015 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/30/15

The Director of Environmental Services 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 convictions declared by the applicant.

The Committee heard representations both verbally and in writing from Mr Peers, Licensing Enforcement Officer.

The applicant attended the meeting and made representations.

The committee gave careful consideration to the information provided in the report and on questioning the evidence from the applicant.

Resolved – That the application is refused as the Committee are not satisfied that the applicant is a suitable person to hold a Street Trading Consent.

In coming to its decision the Committee was mindful of its duty to protect the public and the applicant's convictions from 2013 included possession and supply of drugs and possession of an offensive weapon.

Following consideration of all the evidence the Committee find, that on the balance of probabilities, the applicant did commit the serious offences as mentioned . Street traders are placed in a position of trust and have a duty to conduct themselves in a lawful and professional manner at all times.

The Committee, in coming to its decision, specifically also took account of, viz –

- The seriousness of the offences which were committed in 2013 which involved the possession with intent to supply two types of Class A drug, possession of Class C drug and possession of an offensive weapon;
- The 28 month sentence imposed on the applicant for the offences and this period of sentence has only recently expired;
- The applicant denied being a drug dealer and denied knowing he had been in possession of an offensive weapon which the Committee did not find credible; and
- The concern expressed by the Police in relation to the applicant's suitability.

The Committee's primary duty is of concern for the safety and wellbeing of the public and this includes the most vulnerable in the community and the applicant would be working in an unsupervised environment.

There is therefore reasonable cause to refuse to grant the application in the interests of public safety due to the nature and seriousness of the recent offences.

33. MISCONDUCT BY LICENSED PRIVATE HIRE OPERATOR LER/19/15

(Councillors Harkin and Morgan declared an interest in the following item in so far as they knew one of the representatives assisting the operator at the meeting)

The Director of Environmental Services submitted a report which set out details of alleged misconduct against a private hire operator during the period of their operators licence.

The Committee heard representations both verbally and in writing from Mr Peers, Licensing Enforcement Officer.

Representatives from the operator, a legal representative and the driver concerned attended the meeting and

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addressed the meeting.

The complainant and his wife also attended the meeting.

The Committee gave careful consideration to the information provided in the report and on questioning the evidence from the operator and from the complainant.

Resolved – The Committee agreed that a mistake had been made by the operator at the time of the booking and that there was no intended discrimination.

The Committee also noted the additional staff training that has taken place since the complaint in order to try and avoid a repeat of such an incident.

Finally the Committee also noted the operator's offer of compensation and a letter of apology and recommend that these take place.

(The meeting started at 3.00pm and finished at 6.02pm)