

LICENSING (GENERAL) SUB – COMMITTEE
MINUTES OF THE MEETING HELD ON WEDNESDAY, 17TH DECEMBER 2009

Present: Councillors Parnell (Chair), Cunio, Drake, Fitzgerald, Norris, Thomas and Willacy

Apologies: Councillors Mrs Blatchford and Galton

15. APOLOGIES/ CHANGES IN MEMBERSHIP

The Panel noted that Councillor Thomas was in attendance as a nominated substitute for Councillor Mrs Blatchford and Councillor Drake was in attendance as a nominated substitute for Councillor Galton in accordance with Council Procedure Rule 4.3.

16. MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

RESOLVED that the Minutes of the meeting held on 26th November 2009 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

17. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Rules, the press and public be excluded from the meeting at a predetermined point in the hearing in respect of any consideration of the following matters and specifically in respect of any consideration of Items 19 and 20 on grounds based on Categories 1 and 2 of paragraph 10.4 of the Council's Access to Information Procedure Rules because failing to do so would constitute a breach of the Data Protection Act 1998 as well as a breach of a Common Law duty of confidentiality.

18. APPLICATION FOR VARIATION OF STREET TRADING CONSENT - ABOVE BAR PEDESTRIAN PRECINCT - MR. M. AND MRS. P. TRAVERS

The Sub-Committee considered the report of the Solicitor to the Council concerning an application for a variation of the terms of a street trading consent. (Copy of report circulated with agenda and appended to signed minutes).

Mr Travers (Applicant) was present and with the consent of the Chair addressed the meeting.

The Sub-Committee noted that no objections to this application had been received and that the proposed hours of trading on a Sunday had been amended by the applicant to maintain the existing permitted hours.

RESOLVED that the application for variation of the terms of the existing street trading consent be granted as follows:

- (i) that the size of the site be extended so that it will not exceed 21 ft in length and 8 ft 6 inches in depth; and
- (ii) that the hours of trading be between the hours of 9.00 am and 8.00 pm, seven days a week (excepting Sundays when the hours of trading be 11.00 am to 5.00 pm).

REASON FOR THE DECISION

Having regard to the Local Government (Miscellaneous Provisions) Act 1982 the Sub-Committee was satisfied that the application to vary the terms of the Street Trading consent at Above Bar Pedestrian Precinct be granted.

19. HACKNEY CARRIAGE DRIVER

The Sub-Committee considered the confidential report of the Solicitor to the Council concerning an application for the grant of a Hackney Carriage driver's licence. (Copy of report circulated with agenda and appended to signed minutes).

The applicant and Councillor Burke were present and, with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with Categories 1 and 2 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED that the application for a Hackney Carriage Driver's Licence be granted.

REASON FOR THE DECISION

The Sub-Committee was satisfied that, in the light of the oral and written representations, in addition to the character references and qualifications submitted, the applicant could now be considered a fit and proper person to hold a Hackney Carriage Driver's Licence albeit not in strict accordance with the Home Office guidelines .

The Sub-Committee took into account that the Home Office Guidelines required a period of three to five years to have elapsed regarding convictions relating to dishonesty. Whilst stressing the seriousness of the latest conviction the Sub-Committee did not consider that the applicant continued to present any danger to the public.

The Sub-Committee stressed that any further offence of any nature would be viewed very seriously.

The Sub-Committee also recommended that the applicant only drive vehicles fitted with a digital camera.

20. **PRIVATE HIRE DRIVER**

The Sub-Committee considered the confidential report of the Solicitor to the Council seeking consideration on whether an individual was a fit and proper person to be a Private Hire Driver. (Copy of report circulated with agenda and appended to signed minutes).

RESOLVED that in light of the failure to make contact with and the non-appearance of the applicant, pending further information, consideration of this application be deferred to a future meeting.