

MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE HELD IN
THE COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON FRIDAY 20 JANUARY
2012, AT 10.00 AM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors E Buckmaster and J Demonti.

ALSO PRESENT:

Councillors M McMullen and P Ruffles.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Democratic Services Officer
Chris Clowes	- Licensing Enforcement Manager
Paul Newman	- Interim Licensing Manager
George Robertson	- Legal Services Manager
Caroline Wise	- Licensing Officer

26 APPOINTMENT OF CHAIRMAN

It was proposed by Councillor J Demonti and seconded by Councillor E Buckmaster, that Councillor Mrs R Cheswright be appointed Chairman for the meeting.

RESOLVED – that Councillor Mrs R Cheswright be appointed Chairman of the Licensing Sub-Committee for the meeting.

27 APPLICATION FOR A PREMISES LICENCE TO PROVIDE LATE NIGHT REFRESHMENT ONLY (NO ALCOHOL), EFES KEBAB, 6A HIGH STREET, BUNTINGFORD

The Chairman outlined the procedure to be followed. All

those present for the application were introduced.

The Interim Licensing Manager outlined the application to extend the premises licence on Friday and Saturday to 1am at EFES Kebab, 6A High Street, Buntingford. He advised that four representations from interested parties had been received including from Hertfordshire Constabulary. The Interim Licensing Manager summarised the concerns expressed by the interested parties.

The Hertfordshire Constabulary Police Licensing Officer stated that he was concerned about a possible increase in crime and disorder in the area. He also added that such an extension of the licence might lead to groups gathering, causing a disturbance to local residents and the generation of litter. He suggested that the use should cease at midnight and asked that conditions be imposed regarding the collection / disposal of litter and that a registered door supervisor be employed on Friday and Saturday nights from 11 pm.

The applicant's solicitor advised that the applicant and his wife lived above the premises and had just had a baby. He said that that the applicant would not want the extended hours to be a public nuisance and would be happy to ensure that the area was cleaned up. He explained that the applicant had asked for an extension of hours as he was finding things financially difficult and hoped that the additional hours would help the business.

The applicant's solicitor stated that the door supervisor suggested by the Police would not be necessary and he was prepared to "train up" a member of staff to help in this matter. The Police Licensing Officer explained that a door supervisor would have to be properly registered and that this would have to be their sole employed role and that it would not be possible to "train up" a member of staff. John Ivens referred to the "perceived" fear of problems should the premises be allowed to extend their hours.

The applicant's solicitor stated that his client was aware of the concerns of the Police. He added that he was struggling with his business and that an extension of the hours would help him.

At the conclusion of the representations, Members of the Sub Committee, the Legal Services Manager and Committee Secretary withdrew so that the Sub-Committee could consider the evidence.

On return, the Chairman of the Sub-Committee advised that, having carefully considered the comments and representations put forward agreed to approve the application on the basis of condition (2) suggested by the Police namely that:

1. "at the close of trade, all rubbish, foodstuffs and containers including bottles and cans that are sold from the establishment that have been incorrectly disposed of be collected and correctly disposed of, for an area of 50 metres either side of EFES"

The Sub-Committee was not convinced that there was any evidence to support the need for a registered door supervisor at this stage. The Sub-Committee was concerned about noise and advised that if there were any problems the matter may be brought back for review.

RESOLVED – that the application to extend the premises licence to provide late night refreshment on Friday and Saturdays up to 1am be approved.

28 EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee passed a resolution pursuant to Section 100 (A)(4) of the Local Government Act 1972 as amended, to exclude the press and public during consideration of the business referred to in Minutes 29 – 30 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of

Schedule 12A of the said Act.

29 APPLICATION TO BE A TAXI DRIVER

The Chairman sought permission from the applicant that Councillors M McMullen and P Ruffles and Licensing Officers could remain in the room to hear the application. This was agreed.

The Chairman introduced Members of the Sub-Committee and Officers and asked the Interim Licensing Manager to summarise the application.

The applicant was provided with an opportunity to respond to the summary. The applicant's friend advised that all of the convictions had occurred a long time ago and the applicant now wanted to be a taxi driver. He stated that the applicant had three children to support and was on benefits.

In response to a query from Councillor E Buckmaster about the non-disclosure of a conviction, the applicant said that he had disclosed his convictions during an interview with the Interim Licensing Manager. The Interim Licensing Manager stated that the applicant had not disclosed all of his convictions.

The Chairman sought the applicant's view as to why he felt he was a "fit and proper person" to be a taxi driver. The applicant's friend commented that the applicant had nothing further to add.

At the conclusion of the representations, Members of the Sub Committee, the Legal Services Manager and Committee Secretary withdrew so that the Sub-Committee could consider the evidence.

On their return, the Chairman of the Sub-Committee advised that, having carefully considered the comments and representations put forward, the Sub Committee was concerned about the applicant's previous convictions and

the real evidence supplied and therefore refused the application.

RESOLVED – that the application be refused for the following reason:

1. The Sub-Committee was concerned about the applicant being a fit and proper person to hold such a licence, in the light of his previous convictions and public safety.

30 REVIEW OF TAXI DRIVER LICENCE

The Chairman sought permission from the applicant that Councillors M McMullen and P Ruffles and licensing officers could remain in the room to hear the application. This was agreed.

The Chairman introduced Members of the Sub-Committee and Officers and asked the Interim Licensing Manager to summarise the application. He referred to the fact that the applicant had unspent convictions and queried whether he was a “fit and proper” person to hold such a licence. He referred to the Council’s Tax Licensing Policy in regard to such matters. The Interim Licensing Manager referred to the Penalty Points Scheme and how this operated should the Sub-Committee not wish to revoke his licence.

The applicant’s solicitor provided an outline of the circumstances behind his clients’ convictions including the recent one in 2011. He stated that the applicant was a “fit and proper” person and did not represent any danger to the public. The Solicitor stated that, given the applicant’s, removing his licence would be the end of his taxi driving career.

For the purpose of clarification, the Interim Licensing Manager agreed to amend paragraph 2.3 of the report now submitted, at the solicitors request.

In response to a query from Councillor E Buckmaster, the applicant stated where he had lived throughout Europe.

In response to a query from Councillor J Demonti, the Interim Licensing Manager provided advice concerning medical examinations and where records were kept.

The applicant's solicitor stressed that the applicant was not a danger to the travelling public. He referred to the division of roles in terms of what the applicant did at weekends and the time he was driving. The solicitor stated that the applicant was currently supporting himself but at some point would have to stop driving.

At the conclusion of the representations, Members of the Sub Committee, the Legal Services Manager and Committee Secretary withdrew so that the Sub-Committee could consider the evidence.

On return, the Chairman of the Sub-Committee advised that, having carefully considered the comments and representations put forward, the Sub-Committee had decided that the licence holder was not a "fit and proper" person, given that he had acknowledged that he was a recreational user of cannabis and that he had been convicted of growing the drug for his personal use. As such, the Sub-Committee could not be satisfied that when driving his cab, he would not be under the influence of cannabis. The Sub-Committee agreed to revoke the licence holder's licence with immediate effect.

RESOLVED – that the licence be revoked with immediate effect following reason:

1. The Sub Committee was concerned about the licence holder being a fit and proper person to hold such a licence.

The applicant's solicitor sought Members' reconsideration and asked Members not to revoke the licence with immediate effect, to allow the

applicant the opportunity of going through the appeal process. The solicitor said that this would allow his client to continue to use his licence until the appeal was heard at the Magistrates Court.

The Sub-Committee reaffirmed their decision to revoke the applicant's licence with immediate effect.

The meeting closed at 12.45 pm

Chairman
Date