

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in Council Chamber, County Hall, Ruthin on Wednesday, 5 March 2014 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Bill Cowie, Richard Davies, Stuart Davies, Pat Jones, Barry Mellor, Peter Owen, Arwel Roberts and Cefyn Williams (Chair)

ALSO PRESENT

Principal Solicitor (AL); Licensing Officers (NJ & JT) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Hugh Irving and Win Mullen-James.

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Licensing Committee held on 4 December 2013 and Special Licensing Committee held on 20 December 2013 were submitted.

Matters Arising – 20 December 2013

Page 16 – Item No. 4 Review of a Licence (Driver No. 046577) – In response to a question from the Chair officers confirmed that a letter of apology had been sent to the passenger concerned and a copy lodged with the Licensing Section.

***RESOLVED** that the minutes of the meetings held on 4 December 2013 and 20 December 2013 be received and confirmed as a correct record.*

EXCLUSION OF PRESS AND PUBLIC

***RESOLVED** that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 14 of Part 4 of Schedule 12A of the Act.*

5 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 043844

[This item was brought forward on the agenda with the consent of the Chair]

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application received from Applicant No. 043844 for a licence to drive hackney carriage and private hire vehicles following reinstatement of his DVLA Licence;
- (ii) the Licensing Committee held on 27 June 2013 having revoked the Applicant's licence to drive hackney carriage and private hire vehicles after he was disqualified from driving for six months under the totting up procedure;
- (iii) the Applicant having also been brought before the Licensing Committee for a licence review in December 2012 and January 2013;
- (iv) the Council's current policy with regard to the relevance of convictions, and
- (v) the Applicant having been requested to attend the meeting in support of his application and to answer members' questions thereon.

The Applicant was present and following introductions confirmed he had received the report and committee procedures. The Licensing Officer (JT) summarised the report and explained the matter had been brought before the committee to assess the Applicant's suitability to hold a licence given his record as a licensed driver.

The Applicant explained the circumstances leading up to his disqualification, including his last motoring offence in October 2012, and was keen to reassure the committee that he did not routinely speed. He added that he had learnt a hard lesson and had experienced hardship as a result of the disqualification. The Applicant had continued to work for the same company in a different role during his period of disqualification and he advised that both his employer and customers were keen for him to return to work as a taxi driver. Finally the Applicant informed members that he enjoyed being a taxi driver and wished to continue with that profession.

In response to members' questions the Applicant explained the circumstances surrounding his speeding conviction and reference to the appropriate use of speed in the Driver Assessment Report produced in January 2013 following his completion of the Driving Awareness Course. He also confirmed that he did not have any pending motoring convictions.

In his final statement the Applicant submitted a reference from his employer attesting to his good character which was read out by the Chair. He added that he had been driving for twenty four years and had never been involved in an accident, emphasising that he was a safe driver.

The committee adjourned to consider the application and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle drivers licence from Applicant No. 043844 be granted.

The reasons for the Licensing Committee's decision were as follows –

Members carefully considered the report and the Applicant's submission in support of his application, including his character reference. In determining the Applicant's suitability the committee accepted the Applicant's explanation surrounding the motoring convictions and considered that he had served his time in that regard. His character reference had also gone a long way towards supporting him; his employers had shown belief in him and valued him as an employee and had continued to employ him in an administrative capacity throughout the duration of his driving ban. It was also noted that granting the application complied with the Council's policy with regard to the relevance of convictions. Consequently members expressed confidence in the Applicant's ability to transport the public safely and decided to grant the application. However, the Applicant was warned that any future transgression would be severely dealt with.

The committee's decision and reasons therefore were conveyed to the Applicant.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

6 APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

The Licensing Officer (JT) submitted a report by the Head of Planning and Public Protection (previously circulated) seeking members' determination of a renewal application for a sex establishment licence received from Adult World in respect of premises situated at 43 – 47 Queen Street, Rhyl.

The Licensing Officer referred to the payment terms for the renewal fee and for clarity an amendment was made to the wording of the recommendation. In response to questions the Licensing Officer confirmed the fees for both new licences and renewal applications and advised that those fees would soon be subject to review.

RESOLVED that the application for renewal of a Sex Establishment Licence held in respect of premises at 43 – 47 Queen Street, Rhyl be granted with the option of paying the renewal fee of £2600 by ten monthly instalments.

7 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2014/15

A report by the Head of Planning and Public Protection was submitted (previously circulated) updating members on relevant issues and presenting the Licensing Committee's future work programme for approval. The work programme included reviews of licensing policies together with proposals to adopt new regional policies.

The Licensing Officer (NJ) elaborated upon particular areas of the report and members noted the forthcoming consultation on two policies drafted by the All Wales Licensing Technical Panel. Councillor Stuart Davies felt that members should be consulted in the first instance before licence holders and other interested parties.

RESOLVED that the report be noted and the Licensing Committee's Forward Work Programme for 2014/15 as detailed at Appendix 1 to the report be approved.

The meeting concluded at 10.15 a.m.