

Licensing Sub-Committee – Meeting held on Thursday, 28th November, 2013.

Present:- Councillors Malik (Chair), Rasib and Wright

Officers Present:- Tara O’Keefe, Assistant Licensing Officer, Rachael Rumney, Senior Licensing Officer

Also present under Rule 30:- Councillor Hussain

PART 1

21. Declarations of Interest

Councillor Rasib declared that an individual had contacted him in relation to agenda item 6 (Private Hire Driver Conduct Hearing). The person had not identified himself and Councillor Rasib stated that he had declined to discuss the matter and ended the conversation.

22. Guidance on Predetermination/ Predisposition - To Note

Noted.

23. Minutes of the Last Meeting held on 16th October 2013

Resolved – That the minutes of the last meeting held on 16th October be approved as a correct record.

24. Application for a Street Trading Consent: Alternative Perfumes, High Street Slough

The Chair welcomed all parties to the meeting and outlined the procedure for the hearing. It was confirmed that all parties had received a copy of the paperwork.

Introduction by the Licensing Officer

The Assistant Licensing Officer introduced a report, setting out an application for an annual Street Trading Consent on the High Street, Slough submitted by Mr Daley, trading as Alternative Perfumes. The proposed business concerned the sale of costume jewellery, perfume, cosmetics, sunglasses, and hair accessories (operational hours Monday to Friday 08:00am to 18:30pm). The Sub-Committee was reminded that it had the option to grant the Application subject to conditions, variations, or restrictions deemed necessary; or to refuse the Application.

The Officer discussed the requirement to apply for street trading and it was highlighted that the High Street was limited to five Street Trading pitches and

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at present there were two vacancies. The Council was obliged to consult on such applications and the application was referred to the Sub-Committee for determination because one objection was received from Councillor Hussain.

Questions to the Licensing Officer

None.

Representations by the Applicant

The Applicant was invited to address the Sub-Committee and advised that he had twenty years experience as a Street Trader, having operated in various markets in London. Mr Daley discussed the reasons why he wished to operate on the High Street and he felt that his stall would add something to the street scene. He advised that his products were of lower value than shop products but of good quality. He emphasised that he was a professional trader and he would comply with the terms of the consent at all times.

Questions to the Applicant

Members asked whether other individuals would be employed on the stall and were advised that there would only be cover if the Applicant needed to leave for short periods. The Officer confirmed that another individual was named on the application form.

Representations by the Objector

Councillor Hussain addressed the Sub-Committee under Rule 30 and discussed her objections to the consent. She was concerned that the Trader would not offer anything different and the goods on offer would already be available elsewhere on the High Street. She stated that residents were looking for better quality products than would be offered and she would prefer the approval to be for seasonal use only. The Officer advised that the pitches could only be granted for a period of one year and if allowed, the Order could be revoked or refused next year if there were concerns. Councillor Hussain also objected on the grounds that granting the application would set a precedent for others; the economic viability of other local businesses selling similar products could be affected and there would be a loss of view to current shop holders if the Consent was granted.

Summing Up.

Both parties provided a brief summary, following which they were asked to leave the meeting whilst the Sub-Committee deliberated.

Decision

All parties were asked to return to the meeting.

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The Sub-Committee carefully considered the submissions made and from the evidence available did not feel that the objections were wellfounded. The Sub-Committee decided to allow the application for Street Trading Consent as set out in the Officer's report. In reaching their decision, Members were of the view that the type of trading detailed in the application would offer diversity and benefit the High Street.

Resolved – That the application for a Street Trading Consent for 'Alternative Perfumes', in the High Street, Slough, be granted.

25. Exclusion of the Press and Public

Resolved – That the press and public be excluded from the remainder of the meeting as the items to be considered contain exempt information relating to individuals as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

26. Private Hire Driver Conduct Hearing (Reference 06-13)

The Chair welcomed all parties to the meeting and after introductions explained the procedure for the hearing. It was confirmed that all parties had received a copy of the paperwork.

The Licensing Officer advised that the Sub Committee was requested to decide whether the Appellant (Ref 06-13) was a fit and proper person to continue to hold a Private Hire Driver's licence in view of his failure to comply with six of the Council's Private Hire Driver and Vehicle Policy and Conditions 2013. The Appellant had received 12 Penalty Points which resulted in the automatic referral of the licence to the Sub-Committee for review.

The Licensing Officer, advised that the breaches of conditions had occurred over a short period of time when Council Officers were conducting routine regulatory checks.

The Sub-Committee was mindful that it could only grant a Private Hire Drivers Licence if it was satisfied that the applicant was a fit and proper person. Similarly, if an incident involving a driver was brought to its attention, the Sub-Committee had the power to not issue, suspend, revoke that licence or issue a strict warning. It was highlighted that Licence holders provided a public service and their primary responsibility was the safety of members of the public and to adhere to the law.

The Appellant accepted that he had breached the conditions of licence with one exception. Following a summary from the Licensing Officer and Appellant, the parties left the meeting.

After careful consideration of the written and oral information at its disposal the Sub-Committee found that all the alleged breaches did occur and resolved that the driver's licence should be suspended for two months. The Sub-

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Committee felt that the period of suspension was reasonable and proportionate in view of the driver's serious and repeated failures to comply with the conditions of his licence.

Resolved – That the Appellant's (Ref 06-13) Private Hire Licence be suspended for two months.

Chair

(Note: The Meeting opened at 10 am and closed at 12.55 pm)