

Licensing Sub-Committee – Meeting held on Thursday, 15th December, 2011.

Present:- Councillors Long (Chair), Davis and Rasib.

Officers Present:- Mrs Channa (Legal Services) and Mrs Kauser (Democratic Services).

PART 1

27. Declarations of Interest

None were received.

28. Minutes of the Meetings held on 13th October, 31st October and 9th November 2011

The minutes of the meetings held on 13th October, 31st October and 9th November 2011 were approved as a correct record.

29. Application for Street Trading Consent - Go-Go'z Kebabs, 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 relevant paperwork.

Introduction by the Licensing Officer.

Mrs Rumney, Senior Licensing Officer, stated that Slough High Street was limited to five street trading sites and earlier in the year one of the sites had become vacant. The matter had been brought to the Sub-Committee as this was a prime location for street trading and it was felt necessary that the matter be determined by Members.

An application had been submitted by Mr Choudhry for street trading consent for Go-Go'z Kebabs in the High Street. It was noted that the hours of trading were Monday to Sunday 9am to 4pm. Although there was no statutory requirement to do so, the current street trading consent holders in the High Street were informed of the application. An objection to the application had been received from Mr Vella, who operated Vella's Burger Van at one of the sites in the High Street.

It was noted that should the application be granted, the Council's standard conditions would apply and any other conditions the Sub-Committee considered to be appropriate. Options available were outlined and Members were reminded that the Council was under no statutory duty to grant a Street Trading Consent and that there was no right of appeal against the Council's decision.

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Questions to Licensing Officer

In response to the type of activity that had taken place at the now vacant site on the High Street, Members were informed that the pitch had been a flower stall.

Applicant's Representations

Mr Choudhry stated that having conducted research on the high street with regards to what individuals would like it was apparent that there was a demand for the type of business that was being proposed. It was submitted that there was a demand for halal food and that this business would not necessarily affect the existing street traders on the High Street.

Questions to Applicant

Mr Choudhry explained that he had conducted his market research on a busy Saturday afternoon and the type of food that would be offered included kebabs, chicken skewers and rice dishes.

Representations by Objector

Mr Vella, owner of Vella's Burger Van stated that he had been operating his business on the High Street for over 30 years and had diversified to cater for the needs of the market. It was submitted that given the tough economic climate it would be financially detrimental to him if consent were given for a similar business to operate on the High Street.

Summing Up

All parties were given an opportunity to provide a summary.

It was explained that the matter would not be determined until all applications for a street trading consent had been considered by the Sub-Committee and that the decision would be communicated in writing within three working days. Alternatively, contact could be made with the Democratic Services Officer the following day.

Decision.

Resolved – That the application for street trading consent be refused. In reaching their decision, Members were of the view that the type of trading detailed in the application was not suitable for the High Street.

30. **Application for Street Trading Consent - Soft Ice, 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 relevant paperwork.

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Introduction by the Licensing Officer.

Mrs Rumney, Senior Licensing Officer, stated that Slough High Street was limited to five street trading sites and earlier in the year one of the sites had become vacant. The matter had been brought to the Sub-Committee as this was a prime location for street trading and it was felt necessary that the matter be determined by Members.

An application had been submitted by Miss Khomsi for street trading consent for Soft Ice in the High Street. The hours of trading were specified as:

- Monday to Friday 9am to 6pm.
- Saturday – 9am to 7pm
- Sunday 9am to 5pm
- Seasonal Variations: Christmas – 9am to 8pm/9pm
Summer Holidays – 9am to 8pm/9pm

Although there was no statutory requirement to do so, the current street trading consent holders in the High Street were informed of the application. An objection to the application had been received from Mr Vella, who operated Vella's Burger Van at one of the sites in the High Street.

It was noted that should the application be granted, the Council's standard conditions would apply and any other conditions the Sub-Committee considered to be appropriate. Options available were outlined and Members were reminded that the Council was under no statutory duty to grant a Street Trading Consent and that there was no right of appeal against the Council's decision.

Questions to Licensing Officer

None.

Applicant's Representations

Mr Chirisa, on behalf on Miss Khomsi stated that the type of business being proposed included a range of food from paninis', crepes, salads, baguettes and smoothies. It was explained that the business would encourage healthy eating and that the applicant had experience of working in the catering industry.

Questions to Applicant's Representative

Mr Chirisa stated that there was no intention of selling kebabs and that the focus was on promoting healthy eating.

Representations by Objector

Mr Vella, owner of Vella's Burger Van stated that he had been operating his business on the High Street for over 30 years and had diversified to cater for

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the needs of the market. It was submitted that given the tough economic climate it would be financially detrimental to him if consent were given for a similar business to operate on the High Street.

Summing Up

All parties were given an opportunity to provide a summary.

It was explained that the matter would not be determined until all applications for a street trading consent had been considered by the Sub-Committee and that the decision would be communicated in writing within three working days. Alternatively, contact could be made with the Democratic Services Officer the following day.

Decision.

Resolved – That the application for street trading consent be refused. In reaching their decision, Members were of the view that the type of trading detailed in the application was not suitable for the High Street.

31. **Application for Street Trading Consent - Bua Thai Restaurant, High Street, Slough**

Prior to commencement of the hearing, the Licensing Officer informed the Sub-Committee that the Applicant had indicated that he would not be attending the hearing and for the matter to be determined in his absence.

Introduction by the Licensing Officer.

Mrs Rumney, Senior Licensing Officer, stated that Slough High Street was limited to five street trading sites and earlier in the year one of the sites had become vacant. The matter had been brought to the Sub-Committee as this was a prime location for street trading and it was felt necessary that the matter be determined by Members.

An application had been submitted by Mr Chinprasert for street trading consent for Bua Thai Restaurant in the High Street. The hours of trading were specified as Monday to Saturday 10am to 5pm.

Although there was no statutory requirement to do so, the current street trading consent holders in the High Street were informed of the application. An objection to the application had been received from Mr Vella, who operated Vella's Burger Van at one of the sites in the High Street.

It was noted that should the application be granted, the Council's standard conditions would apply and any other conditions the Sub-Committee considered to be appropriate. Options available were outlined and Members were reminded that the Council was under no statutory duty to grant a Street Trading Consent and that there was no right of appeal against the Council's decision.

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Questions to Licensing Officer

None.

Applicant's Representations

The written application submitted by the applicant was considered by Members.

Representations by Objector

Mr Vella, owner of Vella's Burger Van stated that he had been operating his business on the High Street for over 30 years and had diversified to cater for the needs of the market. It was submitted that given the tough economic climate it would be financially detrimental to him if consent were given for a similar business to operate on the High Street.

Summing Up

All parties were given an opportunity to provide a summary.

Decision

Resolved – That the application for street trading consent be refused. In reaching their decision, Members were of the view that the type of trading detailed in the application was not suitable for the High Street.

32. 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).

33. Private Hire Driver Conduct Hearing (Reference 02-11)

All parties were welcomed to the meeting, including a translator to assist the Appellant. The procedure for the hearing was explained and it was confirmed that all parties had received a copy of the paperwork.

In introducing the report, Assistant Licensing Officer, Mrs Sagar reminded Members that the matter had been adjourned from September 2011 as the Appellant had notified Democratic Services that he was abroad.

Mrs Sagar stated that the Appellant was arrested for the offence of soliciting in February 2011. In May 2011, a renewal application was completed and the Appellant failed to declare that he had been arrested and was on bail pending

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a court appearance. Licensing Officers became aware of the Appellant's conviction following a newspaper article on the 24th June 2011.

It was brought to Members' attention that the Policy and Guidance on Convictions and Cautions stated that a serious view be taken regarding offences involving indecency and that applications would not be considered until a period of 3 years free of conviction or caution was shown.

Options available to the Sub-Committee were highlighted for Members consideration.

A Member sought clarification as to whether the Appellant had informed Licensing Officers of his conviction. It was explained that the appellant had been due to attend the Licensing Office on the 24th June and when the matter was put to him, he confirmed that he had been convicted for soliciting on the 22nd June 2011.

The Appellant explained the circumstances regarding his arrest and subsequent conviction for soliciting. It was submitted that he needed his private hire driver licence for financial reasons. The Appellant stated that his understanding was that there was no need to inform the Licensing Office until after he had been convicted and that he had been called into the Licensing Office before he had had an opportunity to inform them.

Representations on behalf of the Appellant were made to the Sub-Committee by a friend who stated that he had known him for more than twelve years. It was submitted that the Appellant had already been punished through the courts.

Members asked a number of questions regarding the incident for clarification. The Appellant stated that the renewal application form had been completed by his wife.

In summing up, the Licensing Officer reminded Members that they had to determine whether the Appellant was a fit and proper person to continue to hold a Private Hire Driver's Licence. The Appellant requested that he be given an opportunity to prove himself and in these uncertain economic times he needed his private hire driver's licence.

Decision.

Having carefully considered all the written information and submissions made at the hearing, the Sub-Committee

Resolved – That Appellant 02-11's Private Hire Driver licence be revoked immediately under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976.

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34. Private Hire Driver Application Hearing (Reference 04-11)

Members were informed that no contact had been made by Appellant 04-11 as to whether he would be attending the meeting. Members agreed to defer consideration of the matter on this occasion.

Resolved – That consideration of Private Hire Driver Application Hearing (04-11) be adjourned.

35. Private Hire Driver Conduct Hearing (Reference 05-11)

The Chair welcomed all parties to the meeting and explained the procedure for the hearing. It was confirmed with all parties that they had received a copy of the paperwork, including the additional letter submitted by the Appellant.

Mrs Sagar, Assistant Licensing Officer, stated that the matter has been submitted to the Sub-Committee to consider whether the appellant was a fit and proper person to continue to hold a private hire driver's licence.

On the 6th October 2011 the Licensing Officer received notification from the Metropolitan Police that the Appellant had been cautioned for theft in June 2011. It was noted that the Appellant had failed to inform the Licensing Office of his caution within seven days in accordance with the Council's Policy and Guidance on Convictions and Cautions.

Mrs Sagar outlined that the policy also stated that a serious view be taken of any conviction or caution involving dishonesty, as drivers were in a position of trust having to regularly work with vulnerable members of the community. Options available were highlighted for Members consideration.

The Licensing Officer confirmed that the Appellant had held a private hire driver's licence since 2004 and that there were no other incidents on file.

Appellant Reference 05-11 submitted that he had made an error of judgement and regretted his actions. In addition, it was noted that he had been a licensed driver since 2004 and there were no other incidents regarding his conduct as a private hire driver.

A Member asked whether he was aware of the requirement to inform the licensing office of his caution within seven days of receiving it. The Appellant confirmed that although he was aware of his responsibility to have informed the Licensing office he had forgotten to do so.

Both parties were given the opportunity to provide a summary, following which they left the meeting to allow the Sub-Committee to deliberate.

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Having carefully considered all the information available the Sub-Committee:

Resolved – That Appellant Reference 05-11's Private Hire Driver Licence be suspended for a period of six weeks and six penalty points be added to his Private Hire Driver's licence.

Chair

(Note: The Meeting opened at 9.30 am and closed at 2.20 pm)