

Licensing Sub-Committee – Meeting held on Wednesday, 11th April, 2012.

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

Officers Present:- Mrs Kauser (Democratic Services) and Miss Osbourne (Legal Services)

PART 1

12. Declarations of Interest

None were received.

13. Minutes of the Meeting held on 20 February 2012

The minutes of the meeting held on 20 February 2012 were agreed as a correct record.

14. Review of Premises Licence - Alexandra Wines, Unit 4 Alexandra Plaza, Chalvey Road West, Slough

The Democratic Services Officer informed the Sub-Committee that the Applicant's wife had contacted Democratic Services to request an adjournment of consideration of the matter as her husband was out of the country.

Resolved – That consideration of agenda item 3 – Review of Premises Licence for Alexandra Wines – be adjourned to the next meeting of the Licensing Sub-Committee.

15. Review of Premises Licence - Drinks Direct Supermarket Limited, 256 High Street Langley, Slough

Sub-Committee Members were informed that the agent, on behalf of the Premises Licence Holder for Drinks Direct Supermarket, had contacted Democratic Services stating that his client was abroad from the 5th April 2012 until 19th April 2012 inclusive and had requested that the matter be re-arranged for a meeting after the 19th April.

Resolved – That consideration of agenda item 4 – Review of Premises Licence Drinks Direct Supermarket Limited – be adjourned to the next meeting of the Licensing Sub-Committee.

16. Application for Street Trading Consent - Chris 'Anthimums' 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.

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Prior to commencement of the hearing, the Licensing Officer, Mrs Sagar, informed Members that the applicant was the son of the Licensing Manager at Slough Borough Council. It was noted that the Licensing Manager had had no involvement with the preparation of the report and had declared his interest to the Monitoring Officer.

Introduction by the Licensing Officer

The Licensing Officer reminded Members that Slough High Street was limited to five trading sites and earlier during the year, one of the sites became vacant. Due to the location of the vacant pitch, it was considered necessary that the matter be determined by the Licensing Sub-Committee.

Members were informed that the application was for a florists stall between the hours of 08:45 and 17:30 Monday to Saturday. It was noted that the current street trading consent holders had been consulted and no representations had been made.

Options available to Members were outlined for their consideration.

Questions to Licensing Officer

A Member asked with regard to the type of trading that was carried out by the previous stall holder and was informed that previous street trading consent was for a flower stall and that the consent holder had not renewed their consent for the pitch.

Representations by the Applicant

Mr Sims submitted that he had made an application for a florists stall at the vacant street trading pitch in the High Street and that in his opinion this would benefit the high street. It was highlighted that the application would be suitable for the high street as there weren't any other street traders or retail outlets providing this service in the immediate area, which would in turn benefit the local economy.

Questions to the Applicant.

Responding to whether he had any experience of working on a stall, Mr Sims stated that he had previously worked on a fruit and vegetable/florists stall in London. Mr Sims confirmed that the stall would only be selling flowers but that depending on demand, he may branch out and also sell small garden ornaments.

Summing Up.

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

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Decision

All parties were asked to return to the meeting.

After careful consideration, the Sub-Committee

Resolved – That the application for a Street Trading Consent for Chris ‘Anthimums’ in the High Street, Slough be allowed.

17. **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).

18. **Application for Combined Hackney Carriage/Private Hire Driver Licence (Reference 10-11)**

Following introductions, the Chair explained the procedure for the hearing. All parties confirmed that they had received the relevant paperwork for the hearing.

The Licensing Officer, Mrs Sagar, stated that Appellant 10-11 had made an application for a combined Hackney Carriage/Private Hire Driver’s licence. The matter had been referred to the Sub-Committee to determine as the Appellant had been convicted in December 2008 for driving or attempting to drive then refusing to supply a specimen for analysis. The Appellant had received a disqualification from driving for a period of 24 months.

Members were reminded that the Council’s policy regarding convictions and cautions stated that “an application with one conviction on the DVLA driving licence under this category will not be considered until a period of 36 months has elapsed since the restoration of the DVLA licence.” It was noted that the Appellant’s driving licence was restored in December 2010.

A Member queried as to whether the Appellant had been made aware of the Council’s Policy on Convictions and Cautions at the time of submitting his application. Mrs Sagar confirmed that her colleague had advised the Appellant of the policy.

The Appellant provided an explanation with regard to the incident and stated that he had served his driving ban. It was submitted that he required a combined driving licence to enable him to work full-time. Members were informed that he had previously held a Private Hire Driver Licence with a neighbouring local authority.

Sub-Committee Members asked a number of questions regarding the incident which had led to the disqualification.

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In summing up, Mrs Sagar reminded Members of the Council's Policy regarding convictions and cautions but stated that Members needed to take into account the information presented by the Appellant.

The Appellant stated that he was a changed person and was aware of the responsibilities that came with being a licensed taxi driver.

Having carefully considered all the information available the Sub-Committee

Resolved – That Appellant Reference 10-11 not be issued with a combined Hackney Carriage/Private Hire Driver Licence.

19. Private Hire Driver Conduct Hearing (Reference 11-11)

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

Mrs Sagar, informed Members that the matter had been referred to the Sub-Committee for them to consider whether the Appellant was a fit and proper person to continue to hold a Private Hire Driver's licence. It was outlined that the Licensing Office had received two separate complaints from members of the public regarding the Appellant's standard of driving and conduct. Details of the incidents were highlighted and included driving down a one way street, driving dangerously and over-charging passengers for their fare.

A Member asked whether details relating to the badge number had been provided by the complainants with regard to the complaint submitted on 29 January 2012. The Licensing Officer confirmed that no details were provided in connection with the private hire driver's badge number.

Mrs Sagar summarised the options available to the Sub-Committee, which included issuing a warning, suspension or revocation of the private Hire Driver's Licence.

Prior to making submissions, the Appellant distributed copies of further written submissions and a character reference from his employer. The Appellant provided details relating to the incidents and a copy of his Private Hire Driver's badge was shown to the Sub-Committee. The Appellant stated that the passengers on the 28th January 2012 had not offered him any financial reimbursement for the journey, contrary to what had been reported in the written complaint.

In summing up, Mrs Sagar reminded Members that public safety was paramount in deciding whether the Appellant was a fit and proper person to continue to hold a private hire driver licence.

The Appellant submitted that he was not a dangerous driver and he took his responsibilities as a private hire driver seriously.

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Decision

Having considered all the written and oral information at its disposal, including the additional information submitted by the Appellant, the Sub-Committee

Resolved - That Appellant 11-11 be issued with 6 penalty points on his private hire driver's licence and for the points to remain on the licence for a period of 12 months from the date of the Sub-Committee hearing and that Appellant 11-11 be issued with a strict warning with regard to his future behaviour and compliance with the conditions of the private hire driver's licence.

Chair

(Note: The Meeting opened at 10.00 am and closed at 12.05 pm)