

Licensing Subcommittee

27 October 2017 at 9.57 am

Present:- Councillors Cates, Warren and Wheal (substituting for Councillor Cooper).

Assistant Licensing Officer
Solicitor

Andrew Burrows
Kirsty Leighton

1. Election of Chairman

Prior to commencement of the meeting it had been agreed that Councillor Wheal would chair the meeting.

2. Declarations of Interest

There were no Declarations of Interest made.

3. Application for a Street Trading Consent in London Road, Bognor Regis

As the applicant was not in attendance at 9.30 a.m. the Subcommittee delayed the start of the meeting to give him time to arrive. However, as he did not turn up the application was heard in his absence.

The Assistant Licensing Officer presented this report which set out the detail of an application for a street trading consent for London Road, Bognor Regis to sell Chimney Cake from Monday to Sunday 08.00 hours to 18.00 hours. As there were already three existing street trading consents in place for the precinct, the applicant, should the application be approved, would be requested to liaise with the Town Centre Manager on the relevant days to ensure there was no conflict of interest.

Following consideration of the application, Members were content to approve, subject to the applicant complying with any requirements of the Town Centre Manager on market days and when there were special events held.

The Subcommittee

RESOLVED

That the consent be issued subject to the times and days specified in the application and

(i) the position of the stall being specified;

- (ii) the articles to be sold by the vendors to be specified;
- (iii) stall to be inspected by a Food Safety Officer and to comply with food hygiene and health and safety standards;
- (iv) standard conditions for street traders to be applied to the consent;
- (v) the consent holder to liaise with the Town Centre Manager on market days and when events are held in London Road.

4. Exempt Information

The Subcommittee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

5. Complaint about Hackney Carriage/Private Hire Driver (Exempt – Paragraph 1 – Information Relating to Individuals)

The Assistant Licensing Officer presented this report which set out the detail of a complaint made against a hackney carriage/private hire driver.

The driver was in attendance and he apologised for his outburst that had given rise to the complaint. He then offered mitigation for his behaviour and assured Members that he had taken steps to ensure nothing like that happened again. Character references were circulated at the meeting.

In responding to questions from Members, the driver stated that he would have apologised to the customer who witnessed his outburst but he had no way of contacting them. It was agreed that an apology could be passed to the customer through the taxi company.

All parties left the room to enable the Subcommittee to consider the matter. Having taken account of the driver's unblemished record and his regret for the incident, the Subcommittee

RESOLVED

That the applicant be allowed to retain the hackney carriage/private hire driver licence but 9 penalty points to be recorded against his licence for one year, in line with the Taxi Policy, and a strict warning to also be issued for one year.

Reason for the Decision

The driver had demonstrated genuine regret for the incident and had taken steps to ensure that nothing like that would happen again. The Subcommittee took account of the fact he had been a taxi driver in the Arun District for a long period of time, with no complaints made against him up to the time of the incident.

All parties were recalled and notified of the decision.

6. Application for a Hackney Carriage/Private Hire Driver Licence (Exempt – Paragraph 1 – Information Relating to Individuals)

The Assistant Licensing Officer presented a report which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant who had had a previous application rejected following concerns about his fit and proper status.

The applicant was in attendance and stated that he had held a private hire licence in Chichester for the last two years. He explained the circumstances behind the concerns expressed by officers with regard to his previous application and the knowledge test he had undertaken.

In the course of questions by Members, it was highlighted that Chichester District Council had a different application process to that of this Council and that there had been no complaints about the applicant when driving for Chichester.

The applicant stated that, should he be permitted to reapply, he would wish to be allowed to sit the knowledge test under the old criteria as he had been going through the process over a period of months and it had since changed. The Assistant Licensing Officer advised that he could not confirm whether that would be the case but he would raise the matter with the appropriate officer.

All parties left the room to enable the Subcommittee to consider the matter. Members were of the view that the applicant should be given another chance to continue with the application process and

RESOLVED

That the applicant be allowed to continue with the application process, subject to a strict warning for 12 months as to his future conduct.

Reason for the Decision

Having taken all circumstances into account, the Subcommittee felt the applicant should be given the benefit of the doubt and be allowed to continue with the application process.

All parties were recalled and notified of the decision.

(The hearing concluded at 10.54 am)

Signed Chairman