

Licensing Subcommittee

24 August 2018 at 9.37 am

Present:- Councillors Cooper, Dillon and Hitchins

1. Election of Chairman

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

2. Declarations of Interest

There were no Declarations of Interest made.

3. Application for a Premises Licence for Juniper, 31 Tarrant Street, Arundel

Present:

Glenn James	Licensing Officer
Andrew Burrows	Licensing Officer
Russell Le Page	Applicant
Local Residents	Mr & Mrs Perkin
	Ms Roden
April Heasman	Lawyer

Prior to commencement of consideration of this item, the Chairman requested those in attendance to introduce themselves and stated that a verbatim note of the meeting would not be taken and should anyone wish anything particular to be noted they should indicate accordingly to enable this to be done.

The Licensing Officer presented this report which set out the detail of an application for a premises licence under Section 17 of the Licensing Act 2003 for the supply of alcohol and hours of opening from 09.00 to 23.00 Monday to Sunday. The meeting was advised that the applicant had used the facility of a TEN (Temporary Event Notice) to cover a late night supper with the provision of alcohol up to 23.00 hours, which had not been the subject of any complaints. In addition, a TEN had been used and was being used for the duration of the Arundel Festival and no complaints had been received to date in that respect. No responsible authorities had made representation but as the representations from local residents had not been resolved, the hearing was required to go ahead.

In line with the Council's procedure, the Subcommittee heard from the applicant and the local residents and questions were asked and responded to at the meeting.

During the course of that, Mr Perkin expressed his view that there were serious procedure failings in this case and that the proper process had not been followed, which had resulted in the local residents having to submit their representations without the benefit of sight of the full licensing application and additional information they had requested, which was in contravention of their legal right. He further stated that the objectors had no wish to jeopardise the applicant's business and would be more than happy to have the licence granted with the same restrictions as applied through the TENs process.

In light of the complaints that had been raised at the meeting, the Chairman called an adjournment to the proceedings to enable the Solicitor to confer with Mr Perkin and to take further advice as to the best way forward.

On reconvening the meeting, the Chairman advised that it was the decision of Members to adjourn the hearing to a future date to enable all parties to consider all the relevant paperwork and for the applicant to modify his application if he so wished. The points raised regarding apparent procedural failures would be fully investigated and apologies were extended to all concerned for the inconvenience caused. All parties would be notified of a new hearing date in due course.

The Subcommittee

RESOLVED

That the hearing be suspended to a future date.

Reason: To ensure that procedural discrepancies were investigated and rectified if necessary.

4. Exempt Business

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 item of business on the grounds that they 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. Application for a Hackney Carriage/Private Hire Driver Licence [Exempt – Paragraph 1 – Information Relating to Individuals]

The Licensing Officer presented this report which outlined the detail of a case of an application for a licence to drive a Hackney Carriage/Private Hire Vehicle where the applicant had declared a previous relevant conviction.

The applicant was in attendance and advised on the circumstances of the incident and, following questions from Members, which were responded to at the meeting, all parties left the meeting to enable the Subcommittee to consider the matter.

Following consideration and having taken account of the severity of the offence and the length of time that had elapsed, the Subcommittee

#### RESOLVED

That the licence be granted, subject to the DBS (Disclosure & Barring Service) check, knowledge test and medical and driving assessment being completed to the satisfaction of officers and subject to a strict warning for a period of one year from commencement of the licence.

*All parties were then recalled and advised of the decision.*

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

The Licensing Officer presented this report which outlined the detail of a case of an application for a licence to drive a Hackney Carriage/Private Hire Vehicle where the applicant had declared a previous relevant conviction.

The applicant was in attendance and advised on the circumstances of the incident and, following questions from Members, which were responded to at the meeting, all parties left the meeting to enable the Subcommittee to consider the matter.

Following consideration and having taken account of the nature of the offence and the time that had elapsed, the Subcommittee

#### RESOLVED

That the licence be granted, subject to the DBS (Disclosure & Barring Service) check, knowledge test and medical and driving assessment being completed to the satisfaction of officers.

*All parties were then recalled and advised of the decision.*

#### 7. Disqualified Hackney Carriage/Private Hire Driver Licence [Exempt – Paragraph 1 – Information Relating to Individuals]

The Licensing Officer presented this report which outlined the detail of a case whereby a hackney carriage/private hire driver had been disqualified from driving for a period of 6 months from 5 April 2018.

The applicant was in attendance with a character witness, who advised that he was of the firm view that the person in question was an asset to the company and was a safe and well liked driver with no complaints against his

record. He then left the meeting. The applicant stated that he had paid a high price for his lapses as he had not been able to work for some months.

Following questions from Members, which were responded to at the meeting, all parties left the meeting to enable the Subcommittee to consider the matter.

Having taken account of the regularity of the offences and of their nature, the Subcommittee

RESOLVED – That

(1) the driver be permitted to continue to drive a licensed vehicle subject to him undertaking a speed awareness course and driving assessment to the satisfaction of officers. The licence not to be issued until the driver has provided proof he has completed both courses;

(2) 9 points to be awarded against the driver for a period of 12 months, together with a strict warning for 12 months as to his future conduct, with a proviso that should he receive points on his DVLA licence within 12 months of it being re-instated he shall appear before the Licensing Subcommittee for consideration as to his fitness to hold a hackney carriage/private hire licence.

*All parties were then recalled and advised of the decision.*

(The hearing concluded at 12.10 p.m.)

Signed.....Chairman