

Minutes of the meeting of the Licensing and Regulatory Committee held at County Hall, Usk on Tuesday 25th November 2014 at 10.00 a.m.

PRESENT: County Councillor: L. Guppy (Chairman)

County Councillors: R. Chapman, R. Edwards, D.J. Evans, M. Hickman, S.G.M Howarth, J. Prosser, F. Taylor, B. Strong, A. Webb and P. Watts.

OFFICERS IN ATTENDANCE:

Mr. G. Perry	-	Public Protection Manager
Mrs. L. O’Gorman	-	Principal Licensing Officer
Mrs. S. Winn	-	Senior Licensing Officer
Mrs. P. Perkins	-	Legal Assistant
Mrs. N. Perry	-	Democratic Services Officer

APOLOGIES FOR ABSENCE

1. Apologies for absence were received from County Councillor J. Higginson.

DECLARATIONS OF INTEREST

2. There were no declarations of interest.

CONFIRMATION OF MINUTES

3. The minutes of the Licensing and Regulatory Committee meeting held on Tuesday 29th July 2014 were confirmed as a correct record and signed by the Chairman.

EXCLUSION OF PRESS AND PUBLIC

4. We resolved that the press and public be excluded from the meeting during consideration of the following item in accordance with Section 100(A) of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12(A) of the Act.

HACKNEY CARRIAGE/PRIVATE DRIVERS LICENSE

5. We received the following report presented by the Principal Licensing Officer, for the Committee to consider:

To consider an application in respect of a Hackney Carriage/ Private Hire Driver Licence

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The Chairman welcomed the applicant to the meeting and introduced Members of the committee and the attending Officers and explained the protocol for the meeting.

The applicant confirmed their name and address to the Committee. The Principal Licensing Officer explained that the applicant had the right to legal representation and asked if the applicant was happy to continue without it, to which the applicant responded they were. The applicant confirmed receipt of the report.

The key issues and details of the application were read out to the Committee.

The applicant confirmed the contents of the report as correct and was then given the opportunity to address the Committee, to put forward any relevant explanations. Following this, Members of the Committee put forward questions to the applicant and discussion ensued.

Following questions, Officers and the applicant left the meeting to allow the Committee the opportunity to deliberate and discuss the findings.

Upon re-commencement, the Chairman advised that the Committee had resolved, subject to a firm warning, that the person would receive a Hackney Carriage/Private Hire Drivers License. This would be issued for a period of 12 months, during which time the applicant would be obliged to inform the Authority of any convictions, cautions or warnings. Provided there were no issues within the 12 month period, the license would be automatically renewed.

The Committee resolved to accept and approve the application.

READMISSION OF PRESS AND PUBLIC

6. We resolved that the press and public be re-admitted to the meeting for the following items of business as they did not involve the likely disclosure of exempt information in accordance with Section 100(A) of the Local Government Act 1972.

APPLICATION FOR A STREET TRADING CONSENT

7. The Committee were asked to consider a street trading consent in High Street, Abergavenny.

The Principal Licensing Officer asked the applicant to confirm their name and address for the Committee and explained the protocol for the meeting. The applicant confirmed that he was happy to continue with the meeting without representation, which he was entitled to.

It was explained that an application had been made for trading for Monday to Saturday 10.00hrs until 17.30hrs, and occasionally a Sunday 10:00hrs to 16:00hrs to sell soft ice cream, ice lollies, soft drinks and Norwegian Style Franfurter Hot Dogs, as detailed in the application. The applicant had submitted a document in excess of 200 pages which included the application form. The application along with the supporting documents had been sent to the consultees, these being Heddlu Gwent Police, Monmouthshire Highways Department, Monmouthshire Engineers

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Department, Monmouthshire Planning Department, Monmouthshire Environmental Department, Abergavenny One Stop Shop, Abergavenny Town Council and the Local Ward Member.

The Principal Licensing Officer read out the comments received from the consultees to the Committee.

It was recognised that under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III, there is no right of appeal against the refusal to grant or renew a consent, or against the revocation or variation of a consent. As there was no statutory right of appeal the applicant had the right to seek judicial review.

The applicant was given the opportunity to address the Committee and provide any relevant information to support his application. In doing so the applicant explained that it was his proposal to invest £85,000 in a new ice cream van, and felt that in doing so this would increase foot fall into the centre of Abergavenny.

The applicant and Officers left the meeting to allow Members to deliberate and make a decision.

A Member proposed that the application for street trading consent to trade at High Street, Abergavenny be refused on the following grounds:

- Site safety - the location would be inappropriate.
- Avoidance of nuisance in the area.
- Consultees observations – the Police and Highways objections were upheld by the Committee

The proposal was duly seconded.

Upon being put to a vote, the Licensing and Regulatory Committee voted in favour of refusal of the application.

Officers and the applicant were invited back to the meeting to hear the decision.

The Chairman read out the reasons for refusal.

The applicant was informed that he would receive a full written reasoning of the Committee from the Licensing Department within the next seven days.

The applicant was thanked for his attendance and left the meeting.

TIME AND DATE OF NEXT MEETING

8. The date and time of the next meeting was confirmed as Tuesday 20th January 2015 at 10.00am

The meeting ended at 12.25pm.