

**GENERAL LICENSING COMMITTEE
1 OCTOBER 2013**

PRESENT – Councillors Nutt (in the Chair) L. Haszeldine, Lawton, J. Lyonette, Newall, Stenson, Thistlethwaite, J. Vasey and L. Vasey. (9)

APOLOGIES – Councillors B. Jones, D. Jones and Lee. (3)

ABSENT – Councillor C.L.B. Hughes. (1)

L22. DECLARATIONS OF INTEREST – Councillor L. Haszeldine declared a non-pecuniary interest in respect of L24. below, as she knew the friend accompanying the applicant and left the meeting taking no part in the discussion or voted there on.

L23. MINUTES – Submitted – The Minutes (previously circulated) of the meeting of this Licensing Committee held on 27th August 2013.

RESOLVED – That the Minutes be approved.

L24. APPLICATION FOR PAVEMENT CAFÉ LICENCE – The Director of Place submitted a report (previously circulated) inviting Members to consider an application for a Pavement Café Licence in the light of an objection from a neighbouring Business. The application was in respect of Kiki's Public House.

The submitted report provided background information in respect of the premises previously known as Hogarth's Bar Café and highlighted that the premise was licensed for a Pavement Café until 31st March 2013, when an application was not renewed. The application was submitted in July and a representation from Foffano's a neighbouring premises was received in August 2013. The objector Mr Foffano was invited to attend the meeting but was not present.

The applicant, Ms Marsh and her colleague Ms Dotson addressed the meeting and responded to Members' questions in relation to the above and to why the application for a Pavement Café Licence should be granted.

Ms Marsh understood and acknowledged the representation made by Mr Foffano and reassured Members that her team would police the Pavement Café area and manage any problematic behaviour. Members of the Committee expressed concerns about people congregating around the entrance of the premise smoking and Ms Marsh reiterated that she and staff would be able to control this easier with a Pavement Café area and offered to erect a further two CCTV cameras to ensure bar staff could monitor the outside area.

In reaching their decision, Members considered the number of people standing around the entrance to the premises and perceived problematic behaviour. They also acknowledged that a representation had been received from a neighbouring property catering for a completely different clientele and noted that there had not been any representations from the police in respect of this application. Members discussed the offer of two additional CCTV cameras and thought it would benefit the business and alleviate the poor management and anti-social behaviour issues raised by the objector.

RESOLVED – (a) That the application for a Pavement Café Licence be granted, for the hours 11.00 hours to 21.00 hours Monday to Saturday all year round and Sundays between September and April and also from 12.00 to 20.00 on Sundays between May and August; and

(b) That an additional condition also be imposed on the licence, in addition to the Council's standard conditions, that two CCTV cameras must cover the Pavement Café at all times. The cameras must be regularly monitored and anyone seen to be standing within the vicinity of the Pavement Café must be asked to sit down, leave the premises or return to the inside of the public house.

L25. THE SCRAP METAL DEALERS ACT 2013 – The Director of Place submitted a report (previously circulated) informing Members of the enactment of the Scrap Metal Dealers Act 2013 and inviting them to approve the scheme of delegation as detailed in the submitted report.

The Licensing Manager guided Members through the report inviting them to approve delegation to Licensing Officers the power to grant or vary all uncontested applications in respect of the collection and purchase and selling of scrap metal in accordance with the Scrap Metal Dealers Act 2013 and delegation to the Sub Committee the power to grant, refuse or vary all contested applications for licences in respect of the collection and storage of scrap metal; to place conditions on such licences and/or revoke such licences. Members were invited to note the proposed fees as detailed at paragraphs 17-21 of the submitted report.

It was noted that Council had delegated the power to determine contested applications or review of licences to the General Licensing Committee. Members agreed matters would be dealt with under the same principle as the Licensing Act 2003, i.e. Sub-Committee of three Members from the General Licensing Committee.

RESOLVED – (a) That the delegation to Officer be approved; and

(b) That the contents of the report be noted.

L26. EXCLUSION OF THE PUBLIC – RESOLVED – That, pursuant to Sections 100A (4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part I of Schedule 12A to the Act.

L27. REVIEW OF A PRIVATE HIRE DRIVER LICENCES – The Director of Place submitted a report (previously circulated) inviting Members to consider an application to review a Private Hire Driver Licence.

(1) Ref. No. 18/13 An application to review a Private Hire Driver Licence following a caution for an offence of battery and deliberately misleading Officers by giving a false version of events which lead to him receiving a Police caution..

The Driver addressed the meeting and responded to Members' questions in relation to the offences and to why he felt he was a fit and proper person to hold a Private Hire Driver Licence.

In reaching their decision, Members took into consideration the fact that the Driver had deliberately tried to mislead Officers by giving a false version of events; his previous unblemished history and believed he demonstrated remorse for his actions.

RESOLVED – That the Licence be retained with a Final Warning Letter reminding him that any further caution or conviction; incidents or offences of any kind will result in the immediate return to the Committee for a further review of the licence.