
LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

2 SEPTEMBER 2011

Present:- Councillors Downing (Chairman), Casey, De-Vaux Balbirnie, V E Guglielmi (item 16 (part) only), Powell, Pugh.

Substitute Members:- Councillors Colbourne (for Councillor Fawcett), Platt (for Councillor Skeels).

Also Present:- Councillors Caines, McWilliams, White.

In Attendance:- Solicitor (LT), Licensing Officer, Senior Democratic Services Officer.

(10.00 a.m. – 11.43 a.m.)

9. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Fawcett and Skeels.

10. MINUTES

The minutes of the meeting of the Sub-Committee held on 13 June 2011 were approved as a correct record and signed by the Chairman.

11. HACKNEY CARRIAGE/PRIVATE HIRE LICENCES

The Sub-Committee noted the contents of a report of the number of drivers, vehicles and operators that were licensed with this Authority, which report was submitted for their information only.

12. REQUEST TO VARY THE OPENING HOURS OF A SEX ESTABLISHMENT LICENCE – PRIVATE SHOP, 28 ROSEMARY ROAD, CLACTON-ON-SEA

The Sub-Committee considered an application from Darker Enterprises for the variation of the Sex Establishment Licence held in respect of the above premises. The variation applied for was to vary the current opening hours of the existing Sex Establishment Licence to allow trading on Sundays between the hours of 10.00 a.m. to 4.00 p.m.

It was reported that consultation papers had been sent to Essex Police and the local Ward Councillors. At the time of the meeting no comments, objections or observations had been received from either of the afore-mentioned sources. Residents in the neighbourhood considered likely to be affected by the application had been consulted and no objections had been received by the date of the meeting.

Members were informed that the application had been displayed on the premises in the prescribed manner and a public notice inserted in the local newspaper as required by statute.

The Sub-Committee had before it, as set out in Appendix B to item A.2 of the Report of the Head of Legal Services and Monitoring Officer, those grounds which were material to the determination of such an application as set out in the Local Government (Miscellaneous Provisions) Act 1982.

The Sub-Committee were advised that the applicant had been invited to attend the meeting to put their case and that Mr Scrimshaw was present as a representative of Darker Enterprises.

Mr Scrimshaw attended the meeting, spoke in support of the application and answered Members' questions thereon.

It was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Casey and:-

RESOLVED – That the afore-mentioned application for the variation of the Sex Establishment Licence in respect of the Private Shop, 28 Rosemary Road, Clacton-on-Sea be granted.

13. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Platt, seconded by Councillor Powell and:-

RESOLVED - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:-

- (a) Special minutes of the meeting of the Sub-Committee held on 13 June 2011.
- (b) Report of Head of Legal Services and Monitoring Officer
 - B.1 - Review of a Hackney Carriage Driver's Licence
 - B.2 - Applications for the grant and renewal of Hackney Carriage Drivers' Licences.
 - B.3 - Review of a Hackney Carriage Driver's Licence

14. SPECIAL MINUTES

The special minutes of the meeting of the Sub-Committee held on 13 June 2011 were approved as a correct record and signed by the Chairman.

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15. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE – MR JOHN HONES, 74 TEWKESBURY ROAD, CLACTON-ON-SEA (PLATE NUMBER T119, BADGE NO. T285)

The Licensing Officer informed the Sub-Committee that Mr Hones was unable to attend the meeting due to an illness in the family.

In the light of the above it was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Powell and:-

RESOLVED - That consideration of this matter be deferred until the next meeting of the Sub-Committee in order to allow Mr Hones to attend.

16. APPLICATIONS FOR THE GRANT AND RENEWAL OF HACKNEY CARRIAGE DRIVERS' LICENCES

(1) Mr Nigel Duffy (T320) – 48 Totlands Drive, Clacton-on-Sea

The Sub-Committee had before it an application from Mr Nigel Duffy of 48 Totlands Drive, Clacton-on-Sea for the renewal of his Hackney Carriage Driver's Licence for a further period of three years.

It was reported that, in submitting his application, Mr Duffy had disclosed that his Road Traffic Driver's Licence had been endorsed with an offence committed in May 2008. Details of such offence were before Members.

As no other offences had been disclosed, the Officers had the delegated authority to deal with Mr Duffy's application and to grant him a Hackney Carriage Driver's Licence for a further period of two years in accordance with the Council's agreed guidelines. However, Mr Duffy had exercised his right for his application to be determined by the Sub-Committee in order that he could speak in support of his application and to request the Sub-Committee to consider granting him a Licence for the full three year period.

The Licensing Officer informed the Sub-Committee that Mr Duffy was unable to attend the meeting due to a family emergency. Mr Duffy had also informed the Officers that he was now prepared to accept a Hackney Carriage Driver's Licence for a further period of two years in accordance with the powers delegated to the Officers.

In the light of the above it was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Platt and:-

RESOLVED - That the Sub-Committee agrees to this matter being dealt with by the Officers in accordance with their delegated powers and that Mr Duffy therefore receive a Hackney Carriage Driver's Licence for a further period of two years.

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(2) Mr Derek Hicks (T451) – 34 Rainham Way, Frinton-on-Sea

Further to minute 7(1) (13.6.11) the Sub-Committee considered an application from Mr Derek Hicks of 34 Rainham Way, Frinton-on-Sea for the renewal of his Hackney Carriage Driver's Licence.

It was reported that, in submitting his application, Mr Hicks had disclosed that his Road Traffic Driver's Licence had been endorsed with an offence committed in May 2008. Details of such offence were before Members.

Mr Hicks attended the meeting, spoke in support of his application and answered questions raised by Members.

It was moved by Councillor Casey, seconded by Councillor Colbourne and:-

RESOLVED - That a Hackney Carriage Driver's Licence for three years be granted.

(3) Mr Daniel Reilly – 85 Constable Avenue, Clacton-on-Sea

The Sub-Committee had before it an application from Mr Daniel Reilly of 85 Constable Avenue, Clacton-on-Sea for the grant of a Hackney Carriage Driver's Licence.

The Licensing Officer informed the Sub-Committee that Mr Reilly was not in attendance at the meeting.

In the light of the above, it was moved by Councillor V E Guglielmi, seconded by Councillor Platt and:-

RESOLVED - That consideration of Mr Reilly's application be deferred until the next meeting of the Sub-Committee in order to enable Mr Reilly to attend.

(4) Mr Denis Borley – 16 Nelson Way, Woodbridge

The Sub-Committee considered an application from Mr Denis Borley for the grant of a Hackney Carriage Driver's Licence for an initial period of three years.

It was reported that, in submitting his application, Mr Borley had disclosed that his Road Traffic Driver's Licence had been endorsed with offences committed in October 2007 and October 2008. Details of such offences were before Members.

Members were made aware that Mr Borley had not yet taken the Knowledge Test. It was suggested therefore that if Mr Borley's application was successful that this should be subject to him passing the Knowledge Test.

Mr Borley attended the meeting, spoke in support of his application and answered questions raised by Members.

It was moved by Councillor Platt, seconded by Councillor Powell and:-

RESOLVED – That, subject to Mr Borley passing the Knowledge Test, a Hackney Carriage Driver's Licence for one year be granted.

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(5) Mr Christopher Cull, 22 Jaywick Lane, Clacton-on-Sea

The Sub-Committee considered an application from Mr Christopher Cull of 22 Jaywick Lane, Clacton-on-Sea for the grant of a Hackney Carriage Driver's Licence for an initial period of one year.

It was reported that, in submitting his application, Mr Cull had disclosed that his Road Traffic Driver's Licence had been endorsed with offences committed in August 2001 and March 2006. Details of such offences were before Members.

Members were made aware that Mr Cull's Criminal Disclosure Form had not yet been returned by the Criminal Records Bureau and that he had not yet taken the Knowledge Test. It was suggested therefore that if Mr Cull's application was successful that this should be subject to the receipt of a satisfactory Criminal Disclosure Form and be further subject to Mr Cull passing the Knowledge Test.

Mr Cull attended the meeting, spoke in support of his application and answered questions raised by Members.

It was moved by Councillor Platt, seconded by Councillor V E Guglielmi and:-

RESOLVED – That Mr Cull's application for the grant of a Hackney Carriage Driver's Licence for an initial period of one year be not granted for the following reason:-

"The reason that people and vehicles are licensed is to ensure the safety of the travelling public and that, by virtue of you having been convicted of a drink driving offence on two occasions within a four year period, demonstrates that you are not a fit and proper person to be licensed by this Authority".

17. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE – MR JOHN HALL, 34 CHAPMAN ROAD, CLACTON-ON-SEA (PLATE NUMBERS T023, T055, T300, BADGE NO. T782)

The Licensing Officer informed the Sub-Committee that this item had been withdrawn as due to the nature of the decision taken by the Magistrates' Court on 9 August 2011 there was no longer a need for the Sub-Committee to investigate Mr Hall's continued fitness to be licensed as a Hackney Carriage Driver.

The Sub-Committee noted the fore-going.

Chairman