

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
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LICENSING COMMITTEE AGENDA

Membership: Councillor Smith D (Chairman)

Councillors Bains, Cresswell, Edwards, Francis, Gibb-Gray, Hughes, Kerrin, Pierce Jones, Pike, Ponsonby, Seal, Shimbart, Tarrant (Vice-Chairman) and Wade

Meeting: Licensing Committee

Date: Wednesday 17 June 2015

Time: 5.00 pm

Venue: Hollybank Room, Public Service Plaza, Civic Centre Road,
Havant, Hants PO9 2AX

The business to be transacted is set out below:

Jo Barden-Hernandez
Service Manager – Legal & Democratic Services

9 June 2015

Contact Officer: *Tristan Fieldsend* (023) 9244 6233
Email: tristan.fieldsend@havant.gov.uk

PART 1 (Items open for public attendance)

1 Apologies

To receive apologies for absence.

2 Minutes

To confirm the minutes of the meetings of the Licensing Committee held on 22 April 2015 and 13 May 2015.

3 Matters Arising

To consider any matters arising from the minutes of the previous

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meetings.

4 Declarations of Interests

To receive and record any declarations of interests from members present in respect of any of the various matters on the agenda for this meeting.

5 Licensing Sub-Committee

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To approve the minutes of the meeting of the Licensing Sub-Committee held on 15 April 2015.

6 Chairman's Report

7 Variation to a Street Trading Consent - (Report to Follow)

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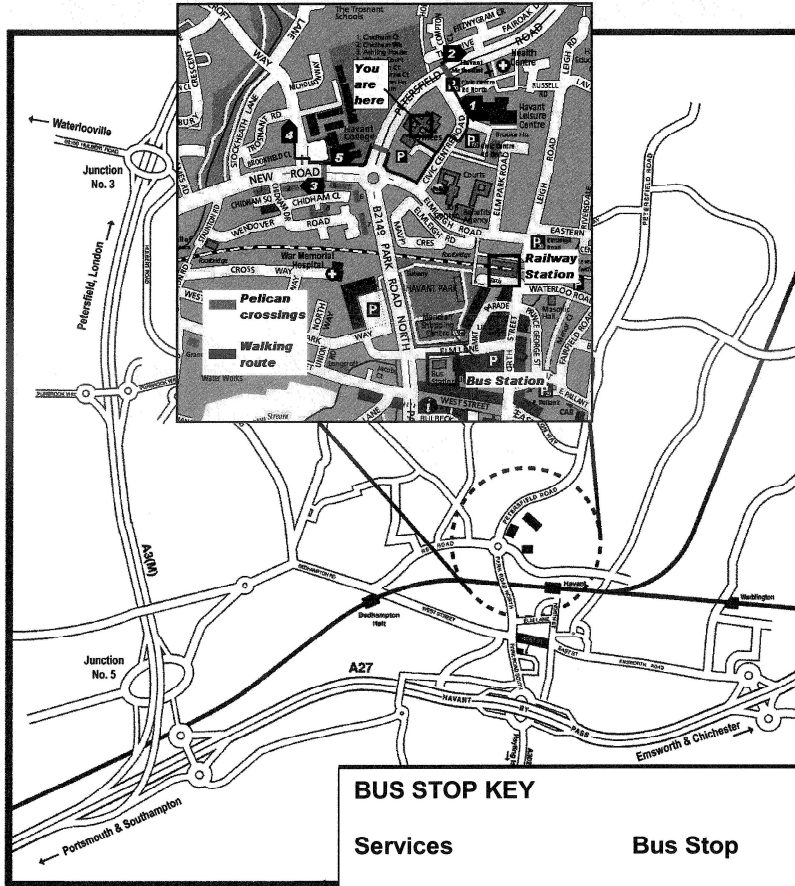
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23, 27**, 36**, 37	5

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Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

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HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 13 May 2015

Present

Councillor Smith D (Chairman)

Councillors Edwards, Francis, Gibb-Gray, Kerrin, Ponsonby, Sceal, Shimbart, Tarrant, Wade, Bains and Cresswell

1 Apologies

Apologies for absence were received from Councillor Hughes.

2 Declarations of Interests

There were no declarations of interests from any of the members present.

3 Licensing Act 2003 - Appointment of Licensing Sub-Committee

RESOLVED that:

- (1) Functions under the Licensing Act 2003 be delegated to the Licensing Sub-Committee with terms of reference as set out in paragraph 3.3 of the report; and
- (2) The following five Councillors be appointed to stand as Chairmen of the Licensing Sub-Committee on a rotating basis in 2015/16:
Councillors Gibb-Gray, F Ponsonby, G Shimbart, D Smith and C Tarrant.

The meeting commenced at 2.00 pm and concluded at 2.02 pm

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HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Committee held on 22 April 2015

Present

Councillor Wilson (Chairman)

Councillors Edwards, Francis, Farrow, Gibb-Gray, Kerrin, Pierce Jones, Ponsonby, Sceal, Shimbart, Tarrant and Wade

31 Apologies

Apologies for absence were received from Councillor K Smith.

32 Minutes

RESOLVED that the minutes of the Licensing Committee held on 14 January 2015 be approved as a correct record.

33 Matters Arising

There were no matters arising.

34 Exclusion of the Press and Public

RESOLVED that the public be excluded from the meeting during consideration of the minutes headed and numbered as below because:

- (a) it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those minutes there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and
- (b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 37 Private Hire Vehicle Driver's Licence
(Paragraphs 1 to 3)

All parties agreed to Councillor D Smith remaining in the meeting after the public had been excluded.

35 Declarations of Interests

There were no declarations of interests from any of the members present.

*Licensing Committee (22.4.15)***36 Chairman's Report**

The Chairman informed the Committee that in light of the recent inquiry into child sexual exploitation in Rotherham, Havant Borough Council's licensing procedures were being inspected.

37 Consideration of a Hackney Carriage / Private Hire Licence

(this minute was taken in camera)

The Committee was requested to consider whether the licensed driver MD continued to be a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

The relevant legislation stated that a district council shall not grant a licence "unless they are satisfied that the Applicant is a fit and proper person to hold a driver's licence".

There was no statutory definition of "fit and proper person" but case law suggested that the issue of whether an applicant was a fit and proper person should be approached by proper consideration of the objectives of the licensing regime. These objectives were intended to ensure that, so far as possible, those licensed to drive private hire vehicles were:

- safe drivers with good driving records and
- adequately experienced and
- sober and
- mentally and physically fit and
- honest and
- not persons who would take advantage of their employment to abuse or assault passengers and
- not persons who would take advantage of their employment to engage in criminal activity

The Chairman outlined the Committee's procedure for dealing with the possible revocation of a Hackney Carriage/Private Hire driver's licence.

The Licensing Officer presented his confidential report to the Committee.

Driver MD was given an opportunity to address the Committee in support of his case and answered members' questions.

The driver and the licensing officers left the meeting during consideration of the application and were invited back into the meeting to receive the Committee's decision.

RESOLVED that the Committee considered that the driver no longer remained a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and therefore his Hackney Carriage/Private Hire Driver's licence be revoked.

The Committee considered the options available to it but in light of the seriousness of the convictions it resolved that revocation was the most appropriate action to protect the safety of the travelling public.

The meeting commenced at 5.00 pm and concluded at 5.53 pm

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HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 15 April 2015

Present

Councillor Wilson (Chairman)

Councillors Ponsonby and Shimbart

Officers:	Tristan Fieldsend	Democratic Services Officer
	Hannah Newbury	Council's Senior Solicitor
	Hilary Smith	Licensing Officer
	Gerry Thorne	Licensing Officer
	Nathan Ash	Applicant's Solicitor
	PC1148 P Barron	Licensing Officer – Hampshire Constabulary
	Soifur Rahman	Mr Rahman - Applicant

5 Declarations of Interests

There were no declarations of interests from any members present in respect of the following item on the agenda.

Introduction and Procedure

Prior to hearing the application the Chairman outlined the procedure for the hearing (Minute 6) and confirmed that a permanent record of the proceedings would be kept. The Chairman asked if anyone wished to withdraw their representations. No representations were withdrawn.

6 Licensing Hearing

The Sub-Committee considered an application for a Premises Licence in respect of Cyber Candy Express, 15 Market Parade, Havant.

The following documents were submitted to the Sub-Committee:

- (i) Report of Licensing Officer;
- (ii) Application for Premises Licence;
- (iii) Plan of Premises;
- (iv) Location Plan;
- (v) Representation from Angel Radio;
- (vi) Representation from the Police;
- (vii) Notice of Hearing;

- (viii) Information to Accompany Notice;
- (ix) Relevant Regulations Relating to Hearings; and
- (x) Hearings Procedure

PC Barron confirmed that he wished to address the meeting on behalf of Hampshire Constabulary.

Mr Ash confirmed that he wished to address the meeting on behalf of the applicant.

The Sub-Committee was advised that Mr Smith who had made a representation was not present for consideration of the application. The Sub-Committee agreed to proceed to determine the application in his absence.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the application and representations received.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

The Sub-Committee adjourned at 2.35pm to consider the application.

At 3.36pm the meeting reconvened and the Democratic Services Officer read the decision to the parties.

DECISION OF THE LICENSING SUB-COMMITTEE

RESOLVED that the application for a premises licence be granted subject to:

- 1) The conditions set out in the report; and
- 2) The Sub-Committee refused to specify a Designated Premises Supervisor as it was not convinced the applicant had sufficient experience in retail, including the sale of alcohol, and failed to demonstrate to the Sub-Committee an ability to communicate and uphold the licensing objectives. Specifically, despite passing the personal licence training the applicant displayed alcohol on the premises contrary to Section 137 of the Licensing Act 2003.

The Sub-Committee was concerned that the use of the word 'Candy' in the name of the premises ran contrary to the licensing objective of protecting children from harm. Whilst making no conditions the Sub-Committee strongly suggested the premises sign be modified. The Sub-Committee was mindful of the Portman Group's recommendations and their code of practice.

The meeting commenced at 1.00 pm and concluded at 3.38 pm

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Chairman

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