

**LICENSING AND APPEALS COMMITTEE ...**

**HELD:22 OCTOBER 2013**

Start: 7.30pm

Finish: 9.35pm

**PRESENT:** Councillor Cropper (Chairman)

Councillors: Baldock Melling  
Cheetham Oliver  
Delaney Owen  
Griffiths Wright  
Kay

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)  
Principal Solicitor (Mr L Gardner)  
Senior Licensing Officer (Mrs M Murray)  
Senior Licensing Officer (Mr A Denton)  
Member Services/Civic Support Officer (Mrs J Brown)

**15. APOLOGIES**

There were no apologies for absence received.

**16. MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule No. 4, the Committee noted the termination of Councillor Mrs Stephenson and the appointment of Councillor Ms Melling for this meeting only, thereby giving effect to the wishes of the Political Groups.

**17. URGENT BUSINESS**

There were no urgent items of business.

**18. DECLARATIONS OF INTEREST**

Councillor Cheetham declared a pecuniary interest in respect of agenda item 8 relating to Scrap Metal Dealers Act 2013 – Approval of Licence Fees, as his brother is a Scrap Metal Dealer in the Borough and therefore left the Chamber during consideration of this item.

**19. DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**20. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS**

There were no Minutes to receive.

**21. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 16 July 2013 be received as a correct record and signed by the Chairman.

**22. SCRAP METAL DEALERS ACT 2013 - APPROVAL OF LICENCE FEES**

Consideration was given to the report of the Assistant Director Community Services as contained on pages 73 to 88 of the Book of Reports which sought Members approval of the relevant licensing fees as required by the Scrap Metal Dealers Act 2013.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions from Members of the Committee.

The Principal Solicitor advised the Committee that this report may go to Cabinet.

RESOLVED: That the fees as contained in Table 1 of the report be approved with immediate effect.

(Note: Councillor Cheetham declared a pecuniary interest in respect of this item and therefore took no part in the decision making process).

**23. DISCRETIONARY RATE RELIEF APPEAL BY FISH FINATICS LTD (SECTION 49 HARDHIP RATE RELIEF)**

Consideration was given to the report of the Transformation Manager as contained on pages 89 to 97 of the Book of Reports in respect of an appeal against refusal to grant an application for discretionary Hardship Rate Relief under Section 49 of the Local Government Finance Act 1988.

The Exchequer Services Manager outlined the report and explained that the total at table 3.1 on page 89 of the Book of Reports had changed from £14,518.00 to £13,318.00 as a result of further payments made by the appellant. He further explained that as a result of this, the figures in the table at 7.1 on page 92 of the Book of Reports would alter to reflect this change.

The Appellants attended the meeting and presented their case and responded to questions and comments raised by Members.

RESOLVED: That Discretionary Hardship Rate Relief under Section 49 of the Local Government Finance Act 1988 be GRANTED for the amount of £4,355.40.

(Note: The Officers from Community Services and Revenues and Payments left the meeting as Members considered their decision in this case).

**24. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (Identity of an Individual) and Paragraph 7 (Criminal Matters) Part 1 of Schedule 12A of that Act and as in all circumstances of the case the public interest in maintaining the exemption under schedule 12A outweighs the public interest in disclosing the information.

**25. POLICE PROSECUTION - PRIVATE HIRE DRIVER**

Members were asked to consider a Private Hire Driver Licence having regard to an offence declared by the Private Hire Driver.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Private Hire Driver Licence Number LN/3422 and Private Hire Vehicle Licence Number LN/4786 be suspended for two weeks.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**26. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK000177926**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000177926 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

RESOLVED: That Application Number WK/000177926 be deferred for one further cycle to allow the Applicant to submit the DBS Form and attend the next meeting.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**27. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK000179283**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000179283 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

RESOLVED: That Application Number WK/000179283 be deferred one cycle to allow receipt of Disclosure and Barring Service (DBS) Form.

**28. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK000179359**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000179359 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000179359 be REFUSED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

**29. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK000181941**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000181941 having regard to the offences declared on the Statutory Declaration, which accompanied the Application Form.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000181941 be GRANTED.

(Note: The Officers from Community Services left the meeting as Members considered their decision in this case).

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- CHAIRMAN -