

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
LICENSING COMMITTEE
26 JANUARY 2009 AT 6.35 P.M.

PRESENT: MR. K. NICHOLS - CHAIRMAN
MR. C.G. JOYCE - VICE-CHAIRMAN

Mr. P.R. Batty, Mr. J.C. Bown, Mr. S.L. Bray, Mr. M.B. Cartwright, Mrs. S. Francks, Mr. D.M. Gould, Mr. P.A.S. Hall, Mr. R. Mayne, Mr. A.J. Smith and Mrs. S. Sprason.

In accordance with Council Procedure Rule 4.4 Dr. J.R. Moore and Ms. W.A. Moore also attended the meeting.

Officers in attendance: Mr. Mark Brymer, Mr. S. Merry, Mrs. P.I. Pitt and Mr. M. Rice.

386 APOLOGY

An apology for absence was submitted on behalf of Mr. L.J.P. O'Shea.

387 MINUTES (L1)

On the motion of Mr. Cartwright, seconded by Mrs. Francks, it was

RESOLVED - the minutes of the meeting held on 13 November 2007 be confirmed and signed by the Chairman.

388 DECLARATIONS OF INTERESTS

No interests were declared at this stage.

389 ALCOHOL CONSUMPTION IN PUBLIC PLACES DESIGNATED PUBLIC PLACES ORDER - HINCKLEY AND BOSWORTH BOROUGH COUNCIL (L2)

Sergeant Stephan Preston, Licensing Sergeant, attended for this item and to answer Members' questions.

The Committee was requested to consider whether the areas outlined in Appendix A to the report of the Director of Community and Planning Services should be identified in an Order, subject to the requirements of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations. This would give Leicestershire Constabulary powers to confiscate alcohol and/or prosecute the individuals who refuse to stop drinking in public when requested.

The Principal Licensing Officer emphasised that the establishment of a Designated Public Place Order (DPPO) would not prohibit drinking in public places but would give a Police Officer or Police Community Support Officer the powers outlined above.

The request was made that the Marina Park and the Co-operative Store areas of Groby be added to those areas listed in Appendix A to the Report. Concerns were expressed that some addresses in the list relating to the Barwell/Earl Shilton areas were incorrect. The Principal Licensing Officer indicated that if Members favoured the inclusion of other areas within an Order, further enquiries would first be made, e.g. evidence of under age consumption of alcohol by means of test purchases. An assurance was given that the consultation on the making of the Order would contain the correct postal addresses of any areas where public drinking would be restricted.

It was moved by Mr. Bray, seconded by Mrs. Francks and

RESOLVED -

- (a) The Licensing Authority is satisfied that the test under Section 13(2) of the Criminal Justice and Police Act 2001 has been met and that there is evidence that across the Borough nuisance or annoyance to members of the public, or a section of the public, or disorder has been associated with the consumption of alcohol, and
- (ii) The Director of Community and Planning Services be instructed to implement the procedure to make the Hinckley and Bosworth Borough Council (Alcohol Consumption in Designated Public Places) Order 2009 and to consult on the making of the Order in accordance with the provisions of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 in relation to the areas identified in Appendix A (with modifications, as now suggested by members, as necessary).

Further, it was moved by Mr. Bray, seconded by Mrs. Francks and

RECOMMENDED - subject to no adverse representations being received in consequence of (ii) above, the Council be requested to make an Order to be known as the Hinckley and Bosworth Borough Council (Alcohol Consumption in Designated Public Places) Order 2009.

Dr. J.R. Moore and Ms. W.A. Moore left the meeting at 6.50 p.m.

390 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

It was moved by Mr. Bray, seconded by Mr. Gould and

RESOLVED - in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remaining items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Part 1 of Schedule 12A of that Act.

391 HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATION (L3)

The applicant, together with his representatives, attended for this item, which was an application for renewal of a taxi driver's licence. The Chairman outlined the procedure to be adopted by the Committee in determining this

application and the Principal Licensing Officer then advised on the reasons why such application needed to be determined by the Licensing Committee.

Submissions by the applicant's representatives followed and then all parties present, with the exception of elected Members, the Committee's legal advisor and the Corporate Governance Officer, left the Chamber at 7.15 p.m. whilst the Committee considered this application.

Concerns were expressed by the Committee that relevant information sought by officers on numerous occasions from the Police and Leicestershire County Council had still not been forthcoming.

On the motion of Mrs. Francks, seconded by Mr. Smith it was unanimously

RESOLVED

- (i) The Committee being satisfied that the applicant is a fit and proper person to drive a Hackney Carriage, the renewal of a taxi driver's licence for a period of one year be agreed, and
- (ii) Officers be instructed to write to the Police and Leicestershire County Council expressing the grave concerns of the Licensing Committee that despite the request to update the Council, no such further information had been submitted.

At 7.43 p.m. all parties who had withdrawn were invited back into the Chamber and the Chairman delivered the Committee's decision to renew the licence. This would be confirmed to the applicant in writing by the Principal Licensing Officer.

Mr. Gould and Mrs. Sprason left the meeting at 7.46 p.m., returning at 7.48 p.m.

392 HACKNEY CARRIAGE/PRIVATE HIRE LICENCE APPLICATION (L4)

The applicant attended in support of his application for a taxi driver's licence.

The Chairman again outlined the procedure which the Committee needed to follow in its determination of this application. The Principal Licensing Officer then drew Members' attention to the criteria which the Council had previously adopted which governed all new applicants seeking Hackney Carriage/private hire licences. Following advice from the Principal Licensing Officer as to why the Committee was requested to determine this matter, the applicant spoke in support of his application.

Again, with the exception of elected Members, the Committee's legal adviser and the Corporate Governance Officer, all parties left the Chamber at 8 p.m. whilst the Committee considered this application. Having deliberated it was moved by Mr. Bray and seconded by Mr. Morrell that this application for a new licence be granted. A vote followed by means of a show of hands with 7 Members voting for the motion and 3 voting against. It was thereupon

RESOLVED - this Committee being satisfied that the applicant is a fit and proper person, a taxi driver's licence be now granted.

All parties who had withdrawn from the meeting returned at 8.07 p.m. when the Chairman announced the Committee's decision to grant a licence. This would be later confirmed by the Principal Licensing Officer in writing.

(The meeting closed at 8.08 p.m.)