

**LICENSING REGULATORY  
COMMITTEE**

1.00 P.M.

4TH JUNE 2015

**PRESENT:** Councillors Margaret Pattison (Chairman), Nigel Goodrich, Mel Guilding (substitute for Charlie Edwards), Tim Hamilton-Cox, Colin Hartley, Terrie Metcalfe, Rebecca Novell and Robert Redfern

Apologies for Absence:

Councillors Charlie Edwards and Andrew Gardiner

Officers in Attendance:

Mark Cullinan	Chief Executive
Wendy Peck	Licensing Manager
Luke Gorst	Solicitor
David Eglin	Licensing Enforcement Officer
Annabelle Holloway	Legal Apprentice
Jane Glenton	Democratic Support Officer

**1 APPOINTMENT OF VICE-CHAIRMAN**

The Chairman requested nominations for the position of Vice-Chairman of the Licensing Regulatory Committee for the Municipal Year 2015/16.

It was proposed by Councillor Redfern and seconded by Councillor Hartley that Councillor Metcalfe be appointed Vice-Chairman of the Licensing Regulatory Committee for the Municipal Year 2015/16. There being no further nominations, the Chairman declared the proposal to be carried.

***Resolved:***

That Councillor Metcalfe be appointed Vice-Chairman of the Licensing Regulatory Committee for the Municipal Year 2015/16.

**2 MINUTES**

The Minutes of the meeting held on 26 March 2015 were signed by the Chairman as a correct record, subject to amendment of Minute No. 79 to delete "*the Licensing Manager informs members of the trade that their vehicles can be taxed on-line with the certificate of compliance, which is issued by the council*".

**3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN**

There were no items of urgent business.

**4 DECLARATIONS OF INTEREST**

Councillor Hartley declared an interest in Minute No. 8 - Existing Hackney Carriage and Private Hire Driver's Licence - Steven Garcia - his wife being a cousin of the witness.

**MATTERS FOR DECISION****5 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PRIVATE HIRE VEHICLE LICENSING - REQUEST FOR WAIVER OF LICENCE CONDITIONS REQUIRING DISPLAY OF THE COUNCIL'S UNIFORM SIGNAGE**

The Committee received the report of the Licensing Manager to enable Members to consider a request from Mr. D. Rabbett in connection with an application for a private hire vehicle licence and a waiver of the standard licence condition requiring the display of the Council's uniform signage.

The vehicle had been available for inspection prior to the meeting. Mr. Rabbett was present at the meeting and made representations to the Committee.

It was proposed by Councillor Goodrich and seconded by Councillor Hartley:

- (1) That the applicant's request for a waiver of the standard vehicle licence conditions requiring the display of the Council's uniform door signage and plates be approved.
- (2) That Mr. Rabbett be required to keep the rear plate in the boot of the vehicle and display an internal card on the dashboard of the vehicle."

It was then proposed by Councillor Redfern and seconded by Councillor Guiding:

"That the application be deferred to allow Mr. Rabbett to present further documentation to the Committee."

After debate, the amendment was voted upon and lost with 2 Members voting in favour of the proposition and 4 against, with 2 abstentions.

Members then voted on the substantive motion, with 4 Members voting in favour of the proposition and 2 against, with 2 abstentions, whereupon the Chairman declared the proposal to be carried.

***Resolved:***

- (1) That the applicant's request for a waiver of the standard vehicle licence conditions requiring the display of the Council's uniform door signage and plates be approved.
- (2) That Mr. Rabbett be required to keep the rear plate in the boot of the vehicle and display an internal card on the dashboard of the vehicle.

**6 HIGHWAYS ACT 1980 - STREET CAFÉ LICENCE - DIGGLES, MARKET STREET, LANCASTER - REQUEST FOR VARIATION OF STANDARD CONDITIONS IN RELATION TO PERMITTED TIMES**

The Committee received the report of the Licensing Manager to enable Members to consider an application for a street café licence received from M. F. Diggle, together with

a request for a variation of the standard licence condition to allow the street café to operate from 7.00 a.m. to 8.00 p.m.

It was reported that Mr. Diggle had stated that without the variation he would not have anywhere to store his furniture and would not be able to operate the street café, which was located outside his premises on Market Street, Lancaster.

The County Highways, Council Planning Officers and other businesses in the area of the frontage had been consulted. No objections had been received. However, the Planning Officers had stated that they would not like the variation to set a precedent, as some areas needed to be kept clear to allow access to service vehicles and for street cleansing to take place.

It was proposed by Councillor Hartley and seconded by Councillor Guilding:

“That the standard licence condition in relation to the permitted times of operation for the street café licence be varied to allow Diggles street café in Market Street to operate from 7.00 a.m.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

***Resolved:***

That the standard licence condition in relation to the permitted times of operation for the street café licence be varied to allow Diggles street café in Market Street to operate from 7.00 a.m.

**7 EXEMPT ITEMS**

In accordance with Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.

***It was noted that Councillor Hartley had previously declared an interest in the following item, his wife being a cousin of the witness, and left the meeting room during its consideration and did not vote on the matter.***

**8 EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE DUAL DRIVER'S LICENCE - STEVEN GARCIA (PAGES 2 - 4)**

The Committee received the report of the Licensing Manager to enable Members to consider whether there was reasonable cause to suspend or revoke Mr. Garcia's Hackney Carriage and Private Hire dual driver's licence.

Details of the individual case and the Chairman's summary of the decision are set out in Exempt Minute No. 8, in accordance with Section 100A of the Local Government Act 1972.

***Decision of the Committee:***

That Mr. Garcia's Hackney Carriage and Private Hire dual driver's licence be revoked with immediate effect.

**The meeting adjourned for 5 minutes.**

**9 EXISTING HACKNEY CARRIAGE DRIVER'S LICENCE - JOHN PETER MCGUINNESS**

Members were advised that the item had been withdrawn.

**The Chairman advised that the Agenda would be re-ordered in consideration of the applicant being present at the meeting for the following item.**

**10 CONFIDENTIAL ITEM**

In accordance with Section 100A(2) of the Local Government Act 1972, the press and public were excluded for the following item of business because it could include the possible disclosure of confidential information.

**11 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DUAL DRIVER'S LICENCE - DARREN DAVID BRENNAND**

The Committee received the report of the Licensing Manager to consider Mr. Brennand's application for a Private Hire and Hackney Carriage dual driver's licence.

Mr. Brennand was present at the meeting and advised Members that he had childcare commitments, which he had anticipated being able to keep, as he had expected that his application would have been considered earlier by the Committee.

It was proposed by Councillor Redfern and seconded by Councillor Metcalfe:

"That the application be deferred until the next meeting of the Committee to allow Mr. Brennand to collect his children from school."

Upon being put to the vote, Members voted unanimously in favour of the proposal, whereupon the Chairman declared the proposition to be clearly carried.

***Resolved:***

That the application be deferred until the next meeting of the Committee to allow Mr. Brennand to collect his children from school.

**EXEMPT ITEM****12 GENERAL MEDICAL COUNCIL DECISION**

The Committee received the report of the Chief Officer (Governance) to inform Members of the outcome of matters raised with the General Medical Council in July 2013.

It was noted that it was now a requirement that medical checks be undertaken by the GP or the practice at which the applicant was registered, or by an agent of the GP with full

access to the medical records, and that these must be taken into account in carrying out the examination.

***Resolved:***

That the report be noted.

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Chairman

(The meeting ended at 2.54 p.m.)

**Any queries regarding these Minutes, please contact  
Jane Glenton, Democratic Services - telephone (01524) 582068, or email  
jglenton@lancaster.gov.uk**

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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