

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
MISCELLANEOUS LICENSING SUB-COMMITTEE
held in Committee Room Two, Council Offices, Woodgreen, Witney, Oxon
at 10.00am on Thursday 7 April 2016

PRESENT

Councillors: N A MacRae MBE (Chairman), M Brennan, E H James and G Saul

61. MINUTES

RESOLVED: that the minutes of the meeting of the Sub-Committee held on 16 March 2016 be approved as a correct record and signed by the Chairman.

62. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr S J Good.

63. DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to matters to be considered at the meeting.

64. PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

65. APPLICATION FOR VARIATION OF A STREET TRADING CONSENT – MARKET PLACE, CHIPPING NORTON

The Sub-Committee received and considered the report of the Public Protection Manager regarding an application for the variation of a street trading consent in Market Place, Chipping Norton. The Licensing Officer explained that the application had been brought before members as the time at which the applicant wished to begin trading was earlier than that allowed within the Council's Street Trading Policy which specified a commencement time of 18:30.

She went on to advise that, since the preparation of the report, an objection had been received from the Chipping Norton Town Council in which it was indicated that the applicant already moved his vehicle onto the site at approximately 16:00 taking up space in a car park that was already very busy during the working hours.

The Town Council also noted that, whilst the applicant was correct in that other hot food premises in the Town were able to trade earlier, his current consent enabled him to continue to trade into the very early hours of the next morning which was far longer than other establishments in the town.

The applicant and his business partner were then interviewed by the Sub-Committee and put forward their case for the variation of their street trading consent.

The Chairman indicated that, during a very recent visit to the Town, he had noted that the applicant was trading prior to the permitted hours and questioned why this had taken place.

In response, the applicant acknowledged that he had commenced trading before the currently permitted hours on occasion in order to satisfy the demands of his customers and apologised for having done so.

In response to a question from Mr Saul, the applicant advised that it was necessary for him to arrive on-site some 30 to 45 minutes before starting to trade in order to set up and carry out food preparation. If his application was approved, he would expect to arrive on site at around 16:30

The applicant went on to explain that many potential customers had requested that he start serving earlier so that they could purchase food after work before returning home. Chipping Norton was a growing town and, during the 16 years his business had been in operation, there had been a significant increase in the number of customers. He wished to be able to provide a good service to his customers and to be able to meet their requirements.

The Chairman advised the applicant that commercial competition was not a matter that could properly be considered in determining the application.

The Sub-Committee then retired to consider its decision.

Having considered the report, the concerns expressed by the Chipping Norton Town Council and the evidence presented at the meeting it was:

RESOLVED:

That the application for the variation of the Street Trading Consent be refused.

The public was then readmitted to the meeting and, in advising the applicant of the decision, the Chairman warned that the Council's Officers would monitor the operation of the business to ensure that he complied fully with the terms of his Street Trading Consent.

66. EXCLUSION OF THE PUBLIC

RESOLVED: That the Sub-Committee, being of the opinion that it was likely, in view of the nature of the business to be transacted, that if members of the public were present during the following item of business there would be a disclosure to them of exempt information as defined in Paragraph 1 of Schedule 12A to the Local Government Act 1972, the public be excluded from the meeting.

67. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

The Sub-Committee received and considered the report of the Public Protection Manager containing exempt information regarding an application for a Hackney Carriage Drivers Licence, copies of which had been circulated.

The Licensing Officer introduced the report and outlined the details of the convictions shown on the applicant's Disclosure and Barring Service certificate.

The applicant was then interviewed by the Sub-Committee, presenting his case for the grant of a licence and providing details of the circumstances relating to the convictions shown on his DBS certificate and explaining his failure to declare these when making his application.

Members acknowledged that the offences in question had taken place some years prior to the application but expressed concern that the applicant had failed to declare these on the application form. However, Members accepted that the failure to declare these previous convictions had been a genuine error on the part of the applicant and:-

RESOLVED: That, having regard to the report and the evidence presented at the meeting, the application for a Hackney Carriage Drivers Licence be approved.

The public was then readmitted to the meeting and, in advising the licence holder of the decision, the Chairman emphasised the high standards expected of those licensed by the Authority and the importance of adhering to all requirements of a licence. In particular, he cautioned that failure to advise the Council's Officers of any future convictions or endorsements incurred by the licence holder would be viewed extremely seriously and could give rise to the suspension or revocation of his Licence.

The meeting closed at 10:30am

CHAIRMAN