

**Committee and Date**Licensing and Safety  
Sub Committee28<sup>th</sup> November 2013**Item****2**

Public

**MINUTES OF THE LICENSING AND SAFETY SUB COMMITTEE MEETING HELD  
ON WEDNESDAY, 17<sup>TH</sup> JULY 2013**

10.00 a.m. – 12.03 p.m.

**Responsible Officer** Emily Marshall/Shelley Davies  
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**Present**

Councillors: A. Davies (Chairman), R.Huffer and R. Taylor-Smith.

**9. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Keith Roberts and Councillor Joyce Barrow (Substitute Councillor Rosanna Taylor-Smith)

**10. MINUTES****RESOLVED:**That the Minutes of the meeting of the Licensing and Safety Sub-Committee held on 19<sup>th</sup> June 2013 be approved as a correct record and signed by the Chairman.**11. PUBLIC QUESTION TIME**

There were no public questions, statements or petitions received.

**12. DISCLOSABLE PECUNIARY INTERESTS**

Members were reminded that they must not participate in the discussion or voting on any matter in which they have a disclosable pecuniary interest and should leave the room prior to the commencement of the debate.

### **13. APPLICATION FOR A STREET TRADING CONSENT**

Consideration was given to a report of the Public Protection Officer (Specialist) in respect of an application for a Street Trading Consent.

The Public Protection Officer (Specialist) presented the report and outlined the application.

The applicant was unable to attend, however her daughter, Ms Tracey Roberts was in attendance. Mr Lindsay Rutherford, representing the applicant was also in attendance.

Mr Rutherford, on behalf of the applicant outlined the proposal explaining that the application was for a 20 ft long by 9 foot wide café a similar type of which was located further along the A5 but on the opposite side of the road. Mr Rutherford explained that he thought the location of the café would improve road safety in the area as it would reduce the need for cars to cross the carriage way to access the café further along the A5 and was sufficiently far past the Queens Head Junction not to cause any problems. The applicant confirmed that he had contacted the Highways Agency who had no objections. Mr Rutherford confirmed that the café would close at 4.00 p.m. in the winter so there would be no trading from the premises outside daylight hours. Litter would be cleared away each evening and disposed of in the appropriate way.

In response to questions from the Solicitor and Members of the Sub-Committee, the applicant confirmed that

- They were happy to incorporate the requirement to dispose of all litter from the site and only to operate in daylight hours as conditions of the consent;
- They had researched local competition and they believed that whilst similar to other businesses in the area they offered additional healthy options;
- They were agreeable to all of the Standard Conditions relating to Oswestry and Sites on an A road, as circulated at the meeting;
- There would be tables and chairs within the café for food to be consumed or individuals could consume food in their vehicles;
- There would be no outside tables;
- They hoped to find a local farmer to permit them to locate a sign within a field on the side of the road;
- The applicant and her daughter held food hygiene certificates.
- They would rely on gas fuel only and if the investment proved to be worthwhile they would consider other forms of fuel in the future.

The Public Protection Officer (Specialist) summed up the application and the Chairman invited the applicant to make any final comments prior to the Sub-Committee making its decision.

Members of the Sub-Committee retired to consider the matter, in private, at 10.29 a.m. and reconvened at 11.18 a.m. to announce their decision.

**RESOLVED:**

That the application for a Street Trading Consent be granted, subject to the Conditions circulated at the meeting and the additional conditions referred to at the meeting in relation to opening hours. (that is opening hours to be: 07:00 hours to 19:00 hours (Summer Months) 07:00 hours to 16:00 hours (Winter Months) 7 days per week).

Reasons

Members had carefully considered the application and taken into account the representations made by the applicant and the Public Protection Officer (Specialist); they particularly noted the applicant's statement that the Highways Agency had no objection to the application. Members also had in mind the report that was being presented to full Council on 18<sup>th</sup> July 2013 but considered that they should deal with the application before them on its merits.

Additionally

There were two important points for the applicant to note:

1. In relation to the litter/rubbish, the applicant shall ensure that this is disposed of correctly (she should contact the relevant council officer in this regard).
2. This licence is made subject to any other necessary consent the applicant requires (for instance planning permission might be required).

Further, the Sub-Committee advised the applicant that it was very important for her to be aware that the decision was made at a time when decisions like this, for this area, would be made by Oswestry Town Council in the future (if so decided by Council on 18<sup>th</sup> July 2013) therefore, Oswestry Town Council could decide to revoke this licence at any time or not renew it. Also, the applicant was referred to condition 2.6 where it is stated that the licence is for an initial period of 28 days – Oswestry Town Council might decide not to permit it to continue after this limited period.

Therefore, Members strongly advised the applicant to approach Oswestry Town Council for their view on this application before a substantial investment was made in this enterprise.

#### **14. EXCLUSION OF PUBLIC AND PRESS**

##### **RESOLVED:**

That in accordance with the provisions of Schedule 12A, Local Government Act 1972 and paragraph 10.4(1) of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following item.

#### **15. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE**

Consideration was given to an exempt report of the Public Protection Officer (Specialist) in respect of an application for a Hackney Carriage/Private Hire Vehicle Driver's Licence.

The Public Protection Officer presented the report, in respect of Case 1, to the Sub-Committee and referred to the information disclosed by the Disclosure & Barring Service (DBS).

In response to a question from a Member of the Sub-Committee, the Public Protection Officer (Specialist) confirmed that there had been no medical information received from a doctor based in the UK and the letter at appendix C of the report was the only medical information received.

The applicant was in attendance and confirmed that he was agreeable to Members and Officers knowing his name. The applicant presented his case to the Sub-Committee, providing background information, and the circumstances surrounding the disclosure as detailed in the Officer's report.

In response to questions raised by the Solicitor, Public Protection Officer (Specialist) and Members of the Sub-Committee, the applicant confirmed that:

- He was currently employed as a care assistant in a nursing home;
- In his employment he looked after male and female adults as part of a team and on an individual basis;
- He was registered with a doctor in the UK;
- His medical condition was now under control and he had received advice from his doctor and his wife who was employed as a nurse;
- His current employment gave him back pain;
- He required flexible employment to fit in with his wife's employment and his young family; and
- When he appeared in court he was not required to provide any medical evidence in relation to his condition.

The Public Protection Officer (Specialist) summed up the application and the Chairman invited the applicant to make any final comments prior to the Sub-Committee making its decision.

Members of the Sub-Committee retired to consider the matter, in private, at 11.40 a.m. and reconvened at 11.50 a.m. to announce their decision.

**RESOLVED:**

That the application for a Hackney Carriage/Private Hire Driver's Licence be granted.

Reasons: In making their decision, Members of the Sub-Committee took into account the guidelines relating to the relevance of convictions and had regard to the information detailed in the Officer's report and the oral submissions given at the meeting. Members regarded the incident detailed in the report to be regrettable. However, they accepted the applicant's explanation of the matter and considered the incident complained of arose from a misunderstanding of his actions. Members were satisfied that the applicant was a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence.

Chairman:.....

Date:.....