



LICENSING COMMITTEE

BURNLEY TOWN HALL

Thursday, 22nd February, 2018 at 6.30 pm

PRESENT

MEMBERS

Councillors A Royle (Chair), B Brindle, F Cant, I Carmichael, S Chaudhary, J Cunningham, D Fleming, A Kelly and S Malik

OFFICERS

Karen Davies	– Environmental Health and Licensing Manager
Emma Barker	– Principal Legal Officer - Litigation & Regulation
Eric Dickinson	– Democracy Officer

11. Apologies

Apologies for absence were received for Councillors Shah Hussain, Mohammed Ishtiaq, and Elizabeth Monk.

12. Minutes

The minutes of the meeting held on 26th October 2017 were approved as a correct record and signed by the Chair.

13. Local Government (Miscellaneous Provisions) Act 1982 - Amendments to Street Trading Consent Conditions

Members gave consideration to the adoption of new conditions relating to the hours of trading, duration of consent and Disclosure and Barring Service (DBS) checks in relation to the grant of Street Trading Consent with the Borough under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Members discussed an amendment regarding an added condition to be added within the guidance, to be inserted as a new Paragraph 2.3.3

RESOLVED

- (1) That approval be given to the following conditions for Street Trading Consents:-
- (a) Amend permitted trading hours to between 0630 hours and 2300 hours, with only street traders who hold a late night refreshment premises licence under the Licensing Act 2003 being permitted to trade beyond this time in accordance with that licence;
 - (b) Introduce consents in the circumstances, and for the durations outlined at Appendix A to the report;
 - (c) Require a basis Disclosure and Barring Service (DBS) disclosure, not less than one calendar month old, to accompany any new application for a consent. The applicant must also sign up to the DBS update service for the duration of the consent, and any subsequently renewed consent, so that the Council is able to monitor any change in circumstances. Where an applicant intends to employ any other person in the course of the business, then similar arrangements must be in place for each such employee.
 - (d) Require all existing consent holders to meet the DBS requirements within 2 months of the conditions coming into effect
 - (e) No person shall be permitted to hold a street trading consent, or be employed in a business to which the consent relates where they have unspent convictions for sexual, violence, dishonesty or drugs offences as detailed in Appendix B to the report;
- (2) That delegated authority be given to the Head of Streetscene the power to revoke street trading consents where the conditions relating to DBS requirements are not met or where a licence holder has an unspent conviction for an offence involving dishonesty, indecency or violence or for an offence that is drugs-related;and
- (3) That a condition be added within the guidance, to be inserted as a new Paragraph 2.3.3 as follows;

“That the consent holder must, within 14 days, disclose to the Council in writing, details of any convictions for criminal offences and any pending prosecutions for such types of offences since the issue of his consent”.

14. Minor Amendment to Taxi Licensing - Policy Guidelines to Fitness and Propriety Including Convictions and Other Relevant Information.

Members gave consideration to a minor amendment to the existing policy guidelines to fitness and propriety including convictions and other relevant information in order to provide clarity to applicants and decision makers should further applications be made by those persons previously refused. The amendment would be to add the following words to Paragraph 7 – “Further applications from the same person will not normally be granted within 6 months of the date of the initial refusal”.

RESOLVED

That the amendment as detailed be approved.