

Appeals

Licensing and Environmental Health Committee, 12 October 2011, item 9

**Committee: LICENSING & ENVIRONMENTAL HEALTH**

**Agenda Item**

**Date: 12 October 2011**

**Title: APPEALS**

**9**

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Item for information

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**Summary**

1. This report is to inform members of the outcome of appeals heard since the last meeting of this committee.

**Recommendations**

2. That members note the contents of this report.

**Financial Implications**

3. In one of the appeals costs were awarded to the council which the council will retain

**Impact**

- 4.

Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

## Appeals

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### **Situation**

5. On 23 November 2010 the Licensing Committee dealt with a review of the premises licence for Costcutters in Saffron Walden. The committee suspended the licence for a period of 1 month and imposed additional conditions on the licence.
6. Costcutters appealed against the decision. Due to no fault on the part of either party it took a long time before the appeal was heard. The matter was listed to be dealt with on 27 July 2011. In the interim period although because of the appeal the conditions imposed by the committee were not effective the licence holder had put measures into place to comply with those conditions. Further trading standards had attempted a test purchase using with a young person under the age of 18 which had not resulted in a sale of alcohol. In the circumstances the appeal was dealt with by consent with the conditions remaining and the period of suspension being reduced to 1 week.
7. Enforcement officers monitored the premises during the period of the suspension and confirmed that it was fully complied with.
8. On 19 April 2011 the Licensing Committee revoked the private hire driver's licence of Mr Peter Burgon. Mr Burgon had recorded 4 minor motoring convictions within 3 years (having his licence endorsed with 3 points on each). As such Mr Burgon no longer met the council's licensing standards and the committee were not satisfied that there were grounds to justify departing from its policy.
9. Mr Burgon appealed against that decision and the appeal was heard by the Harlow magistrates on 31 August 2011. The court upheld the committee's decision and ordered Mr Burgon to pay the council's costs in the sum of £1750.00. Mr Burgon has not appealed against that decision and has now returned his driver's badge to the council.

### **Risk Analysis**

9. There are no risks associated with this report.