

Mission Statement

To Improve the Quality of Life
For Those Who Live and Work in The District

27 July 2007

Dear Councillor

You are hereby invited to a meeting of the Licensing Committee to be held in Committee Room 2, Civic Centre, Portholme Road, Selby on Monday 6 August 2007 commencing at 10.00 am.

The agenda is set out below.

1. Apologies for Absence and Notice of Substitution

To receive apologies for absence and notification of substitution.

2. Disclosure of Interest

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Sections 94 and 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 9 July 2007 (pages 5 to 7 attached)

4. Procedure

To outline the procedure to be followed at the meeting (pages 8 to 9 attached).

5. Chair's Address to the Licensing Committee

6. Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972 in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following items as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

7. Complaint about behaviour of Hackney Carriage Driver

Report of the Head of Service – Legal and Democratic Services (pages 10 to 15 attached).

M Connor
Chief Executive
27 July 2007

Disclosure of Interest – Guidance Notes:

- (a) Councillors are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

[Please note that the papers relating to the applications have been circulated to councillors of the Licensing Committee only, who should return the agenda to Democratic Services at the conclusion of the meeting to enable the papers to be destroyed confidentially].

Dates of Future Meetings of the Licensing Committee

Date of Meeting	Deadline Date	Distribution Date
10 September 2007	22 August 2007	31 August 2007
08 October 2007	20 September 2007	28 September 2007

**Membership of the Licensing Committee
10 Members**

Conservative	Labour	Independent
J Dyson	D Davies	J McCartney
K McSherry	S Duckett	
C Pearson (Vice-Chair)		
S Ryder		
R Sayner (Chair)		
A Spetch		
D White		

Enquiries relating to this agenda, please contact Tracey Peam on:

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Descriptions of Exempt Information

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Qualifications for Exempt Information:

Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under -

- (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
9. Information falling within any of the 7 categories listed above is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
 10. Information which;
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 9 July 2007, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10:00 am.

154	Minutes
155	Procedure
156	Chair's Address to the Licensing Committee
157	Private Session
158	Application for a Hackney Carriage Licence
159	Application for a Hackney Carriage Licence
160	Complaint about behaviour of Hackney Carriage Driver
161	Application for Hackney Carriage Driver's Licence

Present: Councillor R Sayner in the Chair

Councillors: Mrs D Davies, Mrs C Goodall (for C Pearson), Mrs C Mackman (for Mrs J Dyson), B Marshall (for Mrs S Duckett), J McCartney, Mrs K McSherry, Mrs S Ryder, Mrs A Spetch and Mrs D White.

Officials: Licensing Enforcement Officer, Senior Solicitor, Trainee Solicitor, Democratic Services Officer, Support Assistant.

Public: 0

Press: 0

152 **Apologies for Absence and Substitution**

Apologies were received from Councillors Mrs J Dyson, C Pearson and Mrs S Duckett.

Substitute Councillors were Mrs C Mackman (*for Mrs J Dyson*), Mrs C Goodall (*for C Pearson*) and B Marshall (*for Mrs S Duckett*).

153 **Disclosures of Interest**

Councillor B Marshall declared a personal and prejudicial interest in agenda item 8.

154 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 4 June 2007 be confirmed as a correct record and be signed by the Chair.

Licensing Committee
9 July 2007

155 **Procedure**

The procedure was noted.

156 **Chair's Address to the Licensing Committee**

The Chair gave no address.

157 **Private Session**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

158 **Application for a Hackney Carriage Licence**

Having declared a personal and prejudicial interest in this application, Councillor B Marshall left the chamber and took no part in the discussion or voting thereon.

Councillors received the report of the Licensing Enforcement Officer for the grant of a Hackney Carriage Licence for a Peugeot 406, a vehicle not fully accessible to the disabled.

The Licensing Enforcement Officer outlined the details of the case.

The driver concerned outlined his reasons for the application, at the conclusion of which he informed the committee that he had not received a fair hearing for the following reasons:

- The committee was not legally empowered to determine licensing issues as these should be determined by the Chief Executive; and
- The agenda stated that Councillor C Pearson would be present at the committee meeting and he did not attend the meeting.

Resolved:

That the application for a Hackney Carriage Licence be refused.

Councillor B Marshall returned to the chamber.

159

Application for Hackney Carriage Driver's Licence

Councillors received the report of the Licensing Enforcement Officer in respect of the applicant's desire to be issued with a Hackney Carriage Driver's Licence and his fitness to operate as a driver.

This matter was discussed at the Licensing Committee held on 4 June 2007 where the Committee requested that further enquiries be made.

The Licensing Enforcement completed further enquiries and updated the Committee on the outcome of the issues.

Resolved:

That the application for a Hackney Carriage Licence be refused.

160

Application for a Hackney Carriage Licence

Councillors received the report of the Licensing Enforcement Officer for the grant of a Hackney Carriage Licence for a Peugeot 406, a vehicle not fully accessible to the disabled.

The Licensing Enforcement Officer outlined the details of the case.

The driver concerned outlined his reasons for the application.

Resolved:

That the application for a hackney carriage licence be approved.

161

Complaint about Behaviour of Hackney Carriage Driver

Councillors deferred this item until the next meeting of the Licensing Committee, to be held on Monday 6 August 2007, as a consequence of the non-appearance of the applicant.

Resolved:

That this item be deferred until Monday 6 August 2007.

That the officer writes to the applicant and informs him that the application would be determined on Monday 6 August 2007.

The meeting closed at 11:25am.

LICENSING COMMITTEE

PROCEDURES TO BE FOLLOWED

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Councillors of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
 - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
 - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
 - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
 - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
2. The procedure to be followed by the Licensing Committee:
 - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
 - ii) The Head of Service – Legal and Democratic Service will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
 - iii) The Chair will introduce Councillors of the Committee.
 - iv) The Chair will then go through the procedure as follows:

- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had a fair hearing and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, will then withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Head of Service – Legal and Democratic Services will write to the applicant informing them of the decision of the Licensing Committee.