

## SELBY DISTRICT COUNCIL

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

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Present: Councillor R Sayner in the Chair

Councillors: Mrs D Davies, Mrs S Duckett, J McCartney, Mrs K McSherry, C Pearson, Mrs S Ryder, Mrs A Spetch and Mrs D White.

Officials: Solicitor, Licensing Enforcement Officer, Enforcement Officer and Committee Administrator

Public: 0

Press: 0

### 271 **Apologies for Absence and Substitution**

Apologies were received from Councillor Mrs J Dyson.

### 272 **Disclosure of Interest**

Councillor Mrs S Duckett declared a personal interest in minute number 279 and informed the Committee that she would leave the Committee Room whilst this item was discussed.

### 273 **Minutes**

#### **Resolved:**

**That the minutes of the proceedings of the meeting of the Licensing Committee held on 6 August 2007 be confirmed as a correct record and be signed by the Chair.**

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## **Procedure**

The Procedure was noted.

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

The Chair informed councillors that Andy Leyland the Enforcement Officer had been with the Licensing Section for the last month and had visited all the private hire operators and looked at their detailed records.

He had advised where necessary and collected any redundant taxi plates.

His next project was to check up on and visit the 330 licensed premises within the District.

The Chair thanked Andy for the excellent job he had carried out whilst only being in the post for one month.

276

## **Introduction of New Legislation Dealing with the Suspension/Revocation of Hackney Carriage and Private Hire Drivers' Licences**

Councillors received the report of the Licensing Enforcement Officer in respect of the changes to Hackney Carriage and Private Hire legislation under the Road Safety Act 2006.

Up until 16 March 2007 the legislation governing Hackney Carriage and Private Hire Driver, Vehicle and Operator licensing permitted the District Council, in appropriate circumstances, to suspend or revoke a driver's licence. However, in the event of an appeal against this decision the driver was allowed to operate until a Magistrates Court heard the appeal.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 permits Licensing Authorities to revoke or suspend a driver's licence on any of the following grounds:

- (a) that he has since the grant of his/her licence -
  - (i) been convicted of an offence involving dishonesty, indecency or violence; or
  - (ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976

(b) any other reasonable cause.

It was therefore proposed that the Licensing Enforcement Officer be given delegated authority to continue to suspend a driver's licence where it is considered appropriate and where there were compelling reasons to do so. It was also proposed that the Officer be given delegated authority to lift this suspension when public safety was no longer compromised. The power to revoke a driver's licence would, however, remain with the Licensing Committee.

Councillors felt that when the Licensing Enforcement Officer used his delegated authority he should inform the Head of Service – Legal and Democratic Services and the Chair of the Licensing Committee as soon as practicable.

**Recommendation:**

**That Council authorise the Licensing Enforcement Officer:**

**(a) to suspend Hackney Carriage or Private Hire Driver's licences in accordance with Section 52 of the Road Safety Act 2006 and that the Officer inform the Head of Service – Legal and Democratic Services and the Chair of the Licensing Committee as soon as practicable; and**

**(b) to lift any such suspension in accordance with Section 52 of the Road Safety Act 2006**

**Resolved:**

**That the Licensing Committee continue to have power to revoke Hackney Carriage and Private Hire Driver's licences in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.**

277

**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 paragraphs 1 and 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.**

278

### **Application for a Private Hire Driver's Licence**

Councillors received the report of the Licensing Enforcement Officer in respect of the applicant's desire to be issued with a Private Hire Driver's Licence and his fitness to operate as a consequence of a CRB disclosure.

The Licensing Enforcement Officer outlined details of the case.

The applicant then gave details of the concerns raised by the content of the disclosure.

Councillors gave consideration to the full facts regarding this matter and agreed that the applicant be refused a Private Hire Driver's Licence.

#### **Resolved:**

**That the applicant be refused a Private Hire Driver's Licence.**

279

### **Application for a Hackney Carriage Licence**

Having declared a personal interest in this application, Councillor Mrs S Duckett 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 Renault Espace, 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.

After consideration, Councillors were satisfied for the application to be approved.

#### **Resolved:**

**That the application for a hackney carriage licence for a vehicle not accessible to the disabled be approved.**

The meeting closed at 11:02 am.