

Mission Statement

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

28 September 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 8 October 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 Section 117 of the Local Government Act 1972, and Sections 50, 52 and 81 of the Local Government Act 2000 and the Members' Code of Conduct adopted by the Council.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 10 September 2007 (pages 5 to 8 attached).

4. Procedure

To outline the procedure to be followed at the meeting (pages 9 to 10 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 paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Act.

7. Application for a Hackney Carriage Licence

Report of the Head of Service – Legal and Democratic Services
(pages 11 - 25).

8. Application for a Private Hire Driver's Licence

Report of the Head of Service – Legal and Democratic Services
(pages 26 - 34).

9. Application for a Hackney Carriage Licence

Report of the Head of Service – Legal and Democratic Services
(pages 35 - 43).



M Connor
Chief Executive
28 September 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
05 November 2007	18 October 2007	26 October 2007
03 December 2007	15 November 2007	23 November 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		

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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 Monday 10 September 2007, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10:00 am.

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278	Application for a Private Hire Driver's Licence
279	Application for a Hackney Carriage Licence

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.

Licensing Committee
10 September 2007

274

Procedure

The Procedure was noted.

275

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.

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.