

## **Mission Statement**

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

8 February 2008

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 18 February 2008**, 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 meetings of the Licensing Committee held on 7 January 2008 and 21 January 2008 (previously circulated).

**4. Procedure**

To outline the procedure to be followed at the meeting (pages 5 to 6 attached).

**5. Chair's Address to the Licensing Committee**

**6. Licensing Fees**

Report of the Head of Service – Legal and Democratic Services (pages 7 to 13 attached).

**7. Hackney Carriage Tariffs**

Report of the Head of Service - Legal and Democratic Services (pages 14 to 16 attached).

**8. 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.**

**9. Application for a Hackney Carriage Licence**

Report of the Head of Service – Legal and Democratic Services (pages 18 to 20 attached).

**10. Complaint about behaviour of Hackney Carriage Driver**

Report of the Head of Service – Legal and Democratic Services (pages 21 to 23 attached).

M Connor  
Chief Executive  
8 February 2008

**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**

<b>Date of Meeting</b>	<b>Deadline Date</b>	<b>Distribution Date</b>
17 March 2008	28 February 2008	7 March 2008

### **Membership of the Licensing Committee 10 Members**

<b>Conservative</b>	<b>Labour</b>	<b>Independent</b>
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.

## **LICENSING COMMITTEE**

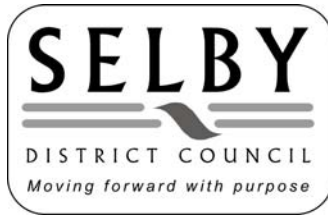
### **PROCEDURES TO BE FOLLOWED**

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.



## Public Session

Agenda Item No: 6

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**Title:** Licensing fees  
**To:** Licensing Committee  
**Date:** 18 February 2008  
**Service Area:** Legal and Democratic Services  
**Author:** Tim Grogan  
**Presented by:** Tim Grogan

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### 1. Purpose of Report

1.1 To bring to the attention of this Committee the review of licensing fees.

### 2. Recommendation(s)

2.1 That councillors consider the necessity for an increase in licensing fees.

### 3. Executive Summary

3.1 Permission is sought to increase the current licensing fees.

### 4. The Report

4.1 A review of most licensing fees takes place annually. The exception is Hackney Carriage and Private Hire licence fees, which are reviewed biannually. In 2007 the Licensing Committee approved an increase in licensing fees of 3%. The Licensing Section proposes an increase this year of 5% for all fees, in line with Council policy, with the exception of fees for riding establishments for which a proposed increase of £50 is requested to accommodate an increase in veterinary fees, and Hackney Carriage and Private Hire fees, which are discussed below.

4.2 Fees have been rounded to the nearest 50 pence or £1. A schedule is attached for consideration. It should be noted that Lotteries and Amusement

permits were agreed at a previous meeting of the Licensing Committee in line with the Gambling Act.

- 4.3 With regard to Hackney Carriage and Private Hire licence fees there are two proposals. The first is that the fees should be reviewed annually and that they be raised by 10%.
- 4.4 The reason the fees are reviewed biannually is to save the expenditure of £200 for advertising, which in 2006 represented a third of the actual increase in revenue.
- 4.5 The reason for an increase in connection with these fees of 10% is to bring this Council in line with neighbouring authorities. Comparisons with other authorities in North Yorkshire show us to be the cheapest Council in all categories. As a consequence a review of these licences annually will prevent the Council from slipping further down the scale and, indeed, regain some lost ground and provide value for service.

## 5. Financial Implications

- 5.1 There are financial implications in connection with this report. The need to advertise the hackney carriage and Private Hire licensing fees is approximately £200. The projected increase in all fees will raise additional revenue of £3,624.

	2008/09	2009/10	2010/11
Additional Licence Fees Raised	£ 3,624	£ 7,248	£ 10,872

## 6. Link to Corporate Plan

- 6.1 It is the Corporate Policy of the Council to promote the health and safety of those who live and work in the District.

## 7 How Does This Report Link to Council's Priorities?

- 7.0 It is a Council priority to promote the health and safety of those who live and work in the District.

## 8 Impact on Corporate Policies

- 8.1 **Service Improvement** **No Impact**
- 8.2 **Equalities** **No Impact**
- 8.3 **Community Safety and Crime** **No Impact**
- 8.4 **Procurement** **No Impact**



8.5 **Risk Management** **No Impact**

8.6 **Sustainability** **No Impact**

8.7 **Value for Money** **Impact**

There is a necessity to increase fees to pay for the service provided.

## **9 Background Papers**

9.1 Schedule of licence fees showing current fees and those proposed.

9.2 North Yorkshire comparative costs chart

**LICENCES**

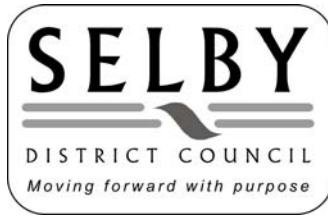
<b>2007 / 2008</b>	<b>SERVICES</b>	<b>VAT</b>	<b>2008 / 2009</b>
From 1/4/07			From 1/4/08
	<b>ANIMAL BOARDING ESTABLISHMENT</b>		
152.50	Initial Licence	0	160.00
86.50	Renewal Licence	0	91.00
	<b>RESTRICTED ANIMAL HOME BOARDING</b>		
76.50	Initial licence	0	80.50
43.50	Renewal Licence	0	46.00
	<b>DANGEROUS WILD ANIMALS – BY INDIVIDUAL ASSESSMENT</b>		
	<b>DOG BREEDING</b>		
119.50+Vet	Initial Licence	0	125.50 + Vet
86.50+Vet	Renewal Licence	0	91.00 + Vet
	<b>PET SHOP</b>		
119.50	Initial Licence	0	125.50
86.50	Renewal Licence	0	91.00
	<b>RIDING ESTABLISHMENT</b>		
250.00	1 – 9 Horses	0	300.00
275.00	10 + Horses	0	325.00
	<b>NON – FOOD</b>		
528.00	Street Trading Consent (per annum) or (1 x 48.00 & 11 x 46.00)	0	554.00
17.50	Occasional Street Trading Consent (per day)	0	18.50
	<b>FOOD</b>		
1050.00	Street Trading Consent (per annum) or (1 x 96.00 & 11 x 91.50)	0	1102.50
43.50	Occasional Street Trading Consent (per day)	0	46.00
79.00	<b>MOTOR SALVAGE OPERATOR</b>	0	83.00

2007 /2008	SERVICES	VAT	2008 /2009
From 1/4/07			From 1/4/08
	<b>CONTROL OF SEX ESTABLISHMENTS</b>		
5463.00	Initial Licence 2/3 with app unrefundable. (3824.00) 1/3 on grant (1912.00)	0	5736.00
5463.00	Renewal Licence	0	5736.00
	<b>MISCELLANEOUS</b>		
119.50	Acupuncture, Tattooing, Body Piercing and Electrolysis	0	125.50
	<b>GAMBLING ACT 2005</b>		
	<b>LOTTERIES &amp; AMUSEMENTS</b>		
35.00	Initial Lottery Permit		40.00
17.50	Annual renewal of Lottery Permit		20.00
	<b>OTHER CHARGES</b>		
	Photocopies of any documents (per sheet)		0.50

**LICENCES**

<b>2007 /2008</b>	<b>SERVICES</b>	<b>VAT</b>	<b>2008 / 2009</b>
From 3/7/07			From 1/4/08
	<b>HACKNEY CARRIAGE</b>		
126.00	Vehicle Licence (including test fee & meter test)	0	139.00
44.50	Driver – New Application	0	49.00
38.00	Driver – Renewal	0	42.00
44.00	Vehicle Test (including meter)	0	49.00
36.00	4/6 Month Test	0	40.00
12.00	Retest	0	20.00
36.00	Fail to appear for Test (non-cancellation)	0	40.00
14.00	Hackney External Plate (includes VAT)	S	14.50
3.50	Hackney Internal Plate (includes VAT)	S	3.50
8.00	Meter Test	0	9.00
	<b>PRIVATE HIRE</b>		
118.00	Vehicle Licence (including test fee)	0	130.00
44.50	Driver – New Application	0	49.00
38.00	Driver – Renewal Application	0	42.00
36.00	Vehicle Test	0	40.00
36.00	4/6 Month Vehicle Test	0	40.00
12.00	Retest	0	20.00
36.00	Fail to appear for Test (non cancellation)	0	40.00
9.50	Private Hire External Plate (each –includes VAT)	S	10.00
3.50	Private Hire Internal Plate (includes VAT)	S	3.50
10.00	Window Screen Disc	0	11.00
	<b>OPERATORS LICENCE FEES</b>		
69.00	1 – 4 Vehicles	0	76.00
73.00	5 – 10 Vehicles	0	81.00
79.50	11 plus Vehicles	0	88.00

<b>2007 / 2008</b>	<b>SERVICES</b>	<b>VAT</b>	<b>2008 / 2009</b>
From 3/7/07			From 1/4/08
	<b>OTHER CHARGES</b>		
6.00	Operators Log Book	0	6.50
27.50	Licence Amendment Fee	0	30.00
16.00	Vehicle Re-test	0	20.00
8.50	Duplicate Driver Name Badge	0	9.50
7.50	Duplicate Licence (per item)	0	8.50
40.00	Reduced Fee – School Contractor (plates extra)	0	50.00
0.50	Photocopies of any documents (per sheet)	0	0.50
5.00	Monthly rebate on licence for change of vehicle	0	7.50
	Self Adhesive Plates (each – includes VAT)	S	6.50



## Public Session

Agenda Item No: 7

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**Title:** Hackney Carriage Tariffs  
**To:** Licensing Committee  
**Date:** 18 February 2008  
**Service Area:** Legal and Democratic Services  
**Author:** Tim Grogan  
**Presented by:** Tim Grogan

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### 1. Purpose of Report

1.1 To bring to the attention of this Committee the biannual review of Hackney Carriage tariffs.

### 2. Recommendation(s)

2.1 **That councillors consider the necessity to increase Hackney Carriage tariffs.**

### 3. Executive Summary

3.1 Permission is sought to approve an increase in Hackney Carriage tariffs.

### 4. The Report

4.1 A review of Hackney Carriage tariffs takes place annually. The last review was on 15<sup>th</sup> January 2007 when the Licensing Committee approved an increase in tariffs. These were implemented on 2<sup>nd</sup> April 2007.

4.2 As part of the consultation process letters were sent out to 40 Hackney Carriage Proprietors on 22<sup>nd</sup> October 2007. The closing date for replies was 26<sup>th</sup> November 2007. 10 replies were received with various comments.

- 4.3 Two replies were late but were identical in requesting an increase in the flag rate from £2.50 to £3.00 for the first ¾ mile. Other irrelevant issues were raised.
- 4.4 Three replies, received in time, made an identical request. One made a request for a tariff increase, which was granted in 2007. Four replies requested no change.
- 4.5 The Licensing Officer has interviewed a number of Hackney Carriage drivers and the consensus is for a flag rate increase from £2.50 to £3.00 for the first ¾ mile. As a consequence of the proposal to raise Hackney Carriage and Private Hire fees by 10% it is suggested the Committee give this recommendation serious consideration.

## **5. Financial Implications**

- 5.1 There is a financial implication for the Council. The tariffs require to be advertised at a cost of approximately £200.

## **6. Link to Corporate Plan**

- 6.1 It is the Corporate Policy of the Council to promote the health and safety of those who live and work in the District.

## **7 How Does This Report Link to Council's Priorities?**

- 7.0 It is a Council priority to promote the health and safety of those who live and work in the District.

## **8 Impact on Corporate Policies**

- |     |                                   |                  |
|-----|-----------------------------------|------------------|
| 8.1 | <b>Service Improvement</b>        | <b>No Impact</b> |
| 8.2 | <b>Equalities</b>                 | <b>No Impact</b> |
| 8.3 | <b>Community Safety and Crime</b> | <b>No Impact</b> |
| 8.4 | <b>Procurement</b>                | <b>No Impact</b> |
| 8.5 | <b>Risk Management</b>            | <b>No Impact</b> |
| 8.6 | <b>Sustainability</b>             | <b>No Impact</b> |
| 8.7 | <b>Value for Money</b>            | <b>No Impact</b> |

## **9 Background Papers**

- 9.1 Chart showing current and proposed fees.
- 9.2 Hackney Carriage tariff file is available in the Legal Section.

## ANNUAL HACKNEY CARRIAGE TARIFF INCREASE FOR 2008/2009.

A review of hackney carriage fares takes place each year. The present tariffs have been in place since 2<sup>nd</sup> April 2007, before that it was 3<sup>rd</sup> July 2006 and 1<sup>st</sup> August 2005.

Letters were sent out to the 40 Hackney Carriage Proprietors on 22<sup>nd</sup> October, the closing date was 26<sup>th</sup> November, 10 replies came back with various comments.

2 came back late (but had comments of no more new hackney carriages or private hire plates issued, and raise the flag rate from £2.50 to £ 3.00 for the first ¾ mile.)

3 wanted the flag rate £2.50 raising to £3.00.

1 wanted the same as what we already have on Tariff 5.

4 wanted no change.

It is for the Committee to decide whether or not to go with the proposed increase, or leave them on the current rates until the annual review for 2009.

CURRENT	PROPOSED
Tariff 1 Daytime 7am – 11pm Monday to Saturday £2.50 for the first ¾ mile £1.50 for every mile thereafter (10p for every other 1/15 mile)	Tariff 1 Daytime 7am – 11am Monday to Saturday £3.00 for the first ¾ mile £1.50 for every mile thereafter (10p for every other 1/15 mile)
Waiting Time £15.00 per hour	No change
Tariff 2 Night time 11pm – 7am all day Sunday & Bank Holidays £3.50 for the first ¾ mile £1.70 for every mile thereafter (10p for every other 1/17 <sup>th</sup> mile)	No change
Waiting Time £20.00 per hour	No Change
Tariffs 3 & 4 Christmas & New Year Double the appropriate tariff 1800hours 24 December to 0700 hours 27 December each year and 1800 hours 31 December to 0700 hours 2 January each year.	No Change
Tariff 5 (to be used only when carrying 5 or more passengers in a vehicle licensed to do so). Day and night time including Sundays and Bank Holidays. £3.50 for the first ½ mile £2.20 for every mile thereafter (10p for every other 1/22 <sup>nd</sup> mile)	No change
Waiting Time £20.00 per hour	No change
Tariff 6 Christmas & New Year Double tariff 5 1800 hours 24 December to 0700 hours 27 December each year and 1800 hours 31 December to 0700 hours 2 January each year.	No change
Extras	No change
Cats & dogs	Carried at Driver's discretion 20p
Guide dogs	Free carriage
Fouling charge	£50.00

There are financial implications for the Council if the proposed changes to the hackney carriage tariff goes ahead, as they have to be advertised as a Public Notice in a local newspaper. The cost of this last year was £282. plus vat.