

## **Mission Statement**

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

7 March 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, 17 March 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 meeting of the Licensing Committee held on 18 February 2008 (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 paragraph 1 of Part 1 of Schedule 12(A) of the Act.**

## 7. Complaint about behaviour of Licensed Private Hire Driver

Report of the Licensing Enforcement Officer (pages 11 to 14).

M Connor  
Chief Executive  
7 March 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>
14 April 2008	27 March 2008	4 April 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.

## Agenda Item No: 3

### SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on Monday 18 February 2008, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10:00 am.

690	Minutes
691	Procedure
692	Chair's Address to the Licensing Committee
693	Licensing Fees
694	Hackney Carriage Tariffs
695	Private Session
696	Application for a Hackney Carriage Licence
697	Complaint about behaviour of Hackney Carriage Driver

Present: Councillor C Pearson in the Chair

Councillors: Mrs D Davies, Mrs J Dyson, Mrs S Duckett, J Mackman (*for R Sayner*), Mrs K McSherry, Mrs S Ryder, Mrs A Spetch and Mrs D White.

Officials: Solicitor, Licensing Enforcement Officer and Committee Administrator

Public: 1

Press: 0

#### 688 **Apologies for Absence and Substitution**

Apologies were received from Councillors J McCartney and R Sayner.

Substitute Councillor was J Mackman (*for R Sayner*).

#### 689 **Disclosure of Interest**

None.

#### 690 **Minutes**

##### **Resolved:**

**That the minutes of the proceedings of the meetings of the Licensing Committee held on 7 January and 21 January 2008 be confirmed as a correct record and be signed by the Chair.**

691

## **Procedure**

The Procedure was noted.

692

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

The Chair informed councillors that a letter had been received from an applicant informing the Committee that he would be taking Court action against the Council.

693

## **Licensing Fees**

Councillors received the report of the Licensing Enforcement Officer in respect of the review of licensing fees. Permission was sought to increase the current licensing fees.

The Licensing Section proposed 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 was requested to accommodate an increase in veterinary fees, and Hackney Carriage and Private Hire fees.

In respect of Hackney Carriage and Private Hire licence fees the two proposals were that the fees should be reviewed annually and that they be raised by 10%.

The reason for the increase was to bring Selby District Council in line with neighbouring authorities.

### **Resolved: That**

- (i) the fees be reviewed annually;**
- (ii) that licensing fees be increased by 5% for 2008/09 with the exception of Hackney Carriage and Private Hire fees which will be raised by 10%; and the fees for riding establishments will be increased by £50.**

694

## **Hackney Carriage Tariffs**

Councillors received the report of the Licensing Enforcement Officer with regard to the annual review of Hackney Carriage tariffs. Permission was sought to raise the flag rate for the first  $\frac{3}{4}$  mile from £2.50 to £3.00.

**Resolved:**

**That the Hackney Carriage Tariff in connection with the flag rate for the first  $\frac{3}{4}$  mile be raised from £2.50 to £3.00.**

695

**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.**

696

**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 Ford Focus, a vehicle not fully accessible to the disabled.

This application was before Committee due to it being deferred at the meeting held on 7 January 2008 for the applicant to produce a copy of his accounts. Unfortunately, the accounts were still not available and the committee felt unable to reach a decision in the absence of the relevant information required.

It was agreed that this item be deferred until 17 March 2008 or a later date by which the information might be made available. For the matter to be dealt with at the March hearing the applicant was informed that the necessary information required to be available by 7 March 2008.

**Resolved:**

**That this application be deferred until 17 March 2008 or a later date as and when the relevant information is made available.**

697

**Complaint about behaviour of Hackney Carriage Driver**

Councillors received the report of the Licensing Enforcement Officer in respect of an allegation that a Hackney Carriage Driver had used both a licensed Hackney Carriage and a vehicle replacing that Hackney Carriage under the terms of a temporary Hackney Carriage plate simultaneously on the 21 and 22 December 2007.

Councillors were asked to consider whether this individual was a fit and proper person to be licensed by Selby District Council.

The Licensing Enforcement Officer outlined details of the case to councillors and answered questions raised.

The Hackney Carriage Driver explained that his behaviour was as a consequence of lack of knowledge and lack of attention to detail. He apologised for his behaviour.

The Committee deliberated over the decision as to whether this driver was a fit and proper person and it was agreed that the driver be given a written warning advising him as to his future conduct.

**Resolved:**

**That the Hackney Carriage Driver receive a written warning as to his future conduct.**

The meeting closed at 11:15 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.