

## **Mission Statement**

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

25 July 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 4 August, 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 7 July 2008 (pages 5 to 6 attached)

**4. Procedure**

To outline the procedure to be followed at the meeting (pages 7 to 8 attached).

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

**6. Discreet Licensing Issues**

Report of the Head of Service – Legal and Democratic Services  
(pages 9 to 18 attached).

**7. Introduction of DVLA Checks**

Report of the Head of Service – Legal and Democratic Services  
(pages 19 to 25 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 paragraphs 1 and 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 26 to 41 attached).

**10. Complaint about behaviour of Private Hire Driver**

Report of the Head of Service – Legal and Democratic Services  
(pages 42 to 45 attached).

M Connor  
Chief Executive  
25 July 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>
1 September 2008	13 August 2008	21 August 2008
27 October 2008	9 October 2008	17 October 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 7 July 2008, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10:00 am.

139	Minutes
140	Procedure
141	Chair's Address to the Licensing Committee
142	Private Session
143	Application for a Hackney Carriage Licence

Present: Councillor R Sayner in the Chair

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

Officials: Solicitor, Licensing Enforcement Officer and Committee Administrator.

Observers: Miss S Moulton (Work Experience Student)

Public: 0

Press: 0

#### 137 **Apologies for Absence and Substitution**

No apologies were received.

#### 138 **Disclosure of Interest**

None.

#### 139 **Minutes**

##### **Resolved:**

**That the minutes of the proceedings of the meetings of the Licensing Committee held on 14 April 2008 and 12 May 2008 be confirmed as a correct record and be signed by the Chair.**

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## **Procedure**

The Procedure was noted.

141

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

The Chair informed the Councillors that further training would be made available to the Committee later this year.

It was agreed that the Licensing Enforcement Officer would contact relevant trainers to find a comprehensive package suitable for Councillors and would look for the training to be held in September or October 2008.

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## **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.**

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## **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 Vauxhall Vectra, a vehicle not fully accessible to the disabled.

The Licensing Enforcement Officer informed Councillors that the applicant had not turned up for the hearing and it was unanimously agreed that the case be deferred until the next Licensing Committee which would be held on 4 August 2008.

### **Resolved:**

**That this application be deferred until 4 August 2008.**

The meeting closed at 10:15 am.

## **Agenda Item No: 4**

### **LICENSING COMMITTEE**

#### **PROCEDURES TO BE FOLLOWED**

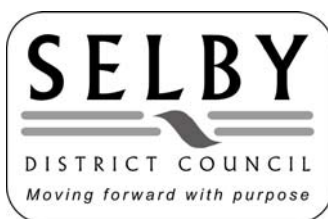
The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Councillors of the Committee can take into account is evidence previously submitted to form the agenda and any 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:** Discreet Licensing issues  
**To:** Licensing Committee  
**Date:** 04 August 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 seek a decision regarding the approval of the grant of a Private Hire Vehicle licence in respect of Greg Howgate and that the nature of such a licence be discreet in manner.

### 2. Recommendation(s)

- 2.1 **That councillors approve the issue of a Private Hire Vehicle licence in the form of a disc identifying a Avensis Tourer motor vehicle registration number MT 08 YTP as a Private Hire Vehicle.**

### 3. Executive Summary

- 3.1 Greg Howgate has applied for a Private Hire Vehicle licence in respect of a Avensis Tourer saloon vehicle and requests that the licence be discreet in manner.

### 4. The Report

- 4.1 On the 8<sup>th</sup> July 2008, Greg Howgate applied for a Private Hire Vehicle licence in respect of an Avensis Tourer motor vehicle registered number MT 08 YTP. Mr Howgate requested that such a licence be discreet in manner as a consequence of his proposed customers requesting an executive transportation service using vehicles not displaying a 'plate'.

- 4.2 Three prospective business customers support this application and confirm this fact in writing.
- 4.3 Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is the legislation which deals with this matter. The Section provides that a District Council shall issue a plate or disc in order that a vehicle may be identified as a Private Hire vehicle.
- 4.4 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council have granted such licences on three previous occasions.
- 4.5 A copy of the disc, which will be provided on a red background thereby replicating the colour of the Private Hire Vehicle plate, is available for scrutiny.
- 4.6 A copy of Mr Howgate's application, letter are attached together with three letters from customers.

**5. Financial Implications**

- 5.1 There are no financial implications.

**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?**

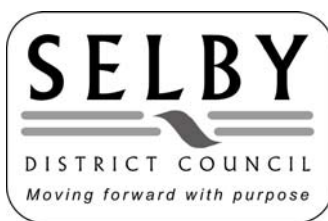
- 7.0 It is a Council priority to promote the health and safety of those who live and work in the District.

**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 A copy of Section 48(5) of the Local Government Act (Miscellaneous Provisions) Act 1976 is available in the Legal Services section.
- 9.2 Letter from Greg Howgate
- 9.3 Letter of support from Shirley Bilton
- 9.4 Letter of support from M. Leahy
- 9.5 Letter of support from Lisa Jagger
- 9.6 Application for grant of licence by Greg Howgate
- 9.7 Copy of disc



## Public Session

Agenda Item No: 7

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**Title:** Introduction of DVLA checks  
**To:** Licensing Committee  
**Date:** 04 August 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 ensure that the District Council are in receipt of the latest and most complete driving licence history in relation to those applying for the grant or renewal of a Hackney Carriage and Private Hire driver's licences.

### 2. Recommendation(s)

- 2.1 **(i) That councillors approve the introduction of a check of all driver's licences, with effect from 1<sup>st</sup> October 2008.**
- (ii) That the cost of the check be added to the yearly licence fee.**

### 3. Executive Summary

- 3.1 All applicants for Hackney Carriage and Private Hire Driver's licences are required to undergo a Criminal Record Bureau (CRB) check, which provides a disclosure of any criminal history. However, CRB checks do not include either penalty points or traffic related convictions and the only means available to the Council to confirm this detail is through a check with the Driver and Vehicle Licensing Agency (DVLA).
- 3.2 The safety of the travelling public is paramount when considering such applications and therefore the Licensing Section consider that it is important

to check applicants prior to the issue of a particular licence. The system suggested will enable the Council to check not only new applicants but those individuals renewing their licences to prevent passengers being out at risk.

#### **4. The Report**

- 4.1 As a member of the Institute of Licensing the Licensing Enforcement Officer was invited to a conference which included a presentation by Intelligent Data Systems (UK) Limited (IDS). This organisation is a privately owned company specialising in the management of data for the fleet industry. They are a registered Data Controller within the Data Protection Act and provide their services to Council Licensing Authorities, companies involved with vehicle fleets and leasing vehicles, insurance companies and companies involved with risk management.
- 4.2 Statistics from IDS show that 3 in every 100 drivers checked will have received a previous ban, 1 in 350 drivers will have a revoked or expired licence and 1 in 600 drivers will currently be banned. Statistics also show that not only do almost 30% of all drivers covering business mileage have points on their licences but also 65% of all corporately driven vehicles are involved in an accident every 12 months.
- 4.3 To address these issues the Licensing Section recommend an initiative which involves IDS proactively verifying all individual licences of both new applicants and those drivers renewing their licences. The system is innovative and delivered in a web based format thus ensuring the service is quick and efficient. As a consequence there is no increase to the administrative duties of the Licensing Department.
- 4.4 IDS also report that instances have recently revealed that some drivers licensed by certain Local Authorities are in possession of multiple DVLA driver licences. In the situation it is therefore possible that a driver could produce a 'clean' driving licence in order to obtain a badge thereby concealing their most recently issued licence which may reveal motoring convictions.
- 4.5 Without the benefit of a DVLA check there is no way that the Licensing Authority will know that the licence produced is current and up to date. It is also essential to examine the history of each licence and the regularity of the driver receiving penalty points.
- 4.6 The administration of all DVLA checks will be out sourced to IDS at a cost of £8.25, which will be passed on to the drivers and embedded within the yearly licence fee. This cost allows further checks free of charge on that licence within that twelve month period. Both Hackney Carriage and Private Hire Drivers licensed by Selby District Council are required to renew their licences on a yearly basis. At present Selby District Council licence 176 drivers.
- 4.7 It is anticipated that the initial contract with IDS will be for two years and the terms of a standard service level agreement will be available on the day of the Licensing Committee meeting. In addition it is anticipated that a

representative of the company will attend the meeting in order to provide a short presentation.

- 4.8 This system presents a number of advantages not least of which is the contribution to road safety by identifying high risk drivers and those concealing a true record of their motoring history.
- 4.9 If councillors approve the introduction of this check, drivers will be asked to sign a Data Protection Mandate authorising IDS to obtain driving licence information relating to that specific driver. The mandate is for one year, during which time IDS can undertake unlimited checks. When the driver is no longer licensed by the Council the mandate is automatically cancelled. Implementation of this new system is a straightforward process and as the cost is below the Council's procurement threshold there is no requirement to undergo a procurement exercise.
- 4.10 A "Frequently Asked Questions" document is attached at Appendix A. This document will be given to both Hackney Carriage and Private Hire Drivers alike

## **5. Financial Implications**

- 5.1 The following financial implications assume a start date of 1<sup>st</sup> October 2008, with the cost of the initiative being passed on to the drivers.

	2008/9	2009/10	2010/11
Estimated cost of Licence checks	£726	£1452	£1452
Additional income	£726	£1452	£1452
Net cost to the Council	£0	£0	£0

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

- 6.1 The additional safeguards proposed in this report will help support the Council's strategic theme of putting customers first.

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

- 7.0 This report will contribute towards acknowledging the priority of safer communities.

## **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> The checks will ensure that dishonest drivers are identified thereby ensuring the safety of the public.	<b>Impact</b>
8.4	<b>Procurement</b>	<b>No Impact</b>
8.5	<b>Risk Management</b> The checks will ensure that high risk drivers are identified thereby ensuring the safety of the public.	<b>Impact</b>
8.6	<b>Sustainability</b>	<b>No Impact</b>
8.7	<b>Value for Money</b>	<b>No Impact</b>
<b>9</b>	<b>Background Papers</b>	
9.1	Schedule featuring frequently asked questions.	