

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 1 September 2008, 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 P Mackay (*for Mrs D White*) Mrs K McSherry, C Pearson, Mrs S Ryder and Mrs A Spetch.

Officials: Solicitor, Licensing Enforcement Officer and Committee Administrator

Public: 2

Press: 0

### 237 **Apologies for Absence and Substitution**

Apologies were received from Councillors Mrs J Dyson and Mrs D White.

Substitute Councillor was Councillor Mrs P Mackay (*for Mrs D White*) .

### 238 **Disclosure of Interest**

None.

239

## **Minutes**

### **Resolved:**

**That the minutes of the proceedings of the meeting of the Licensing Committee held on 4 August 2008 be confirmed as a correct record and be signed by the Chair.**

240

## **Procedure**

The Procedure was noted.

241

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

The Chair asked that all councillors had received the email she had sent in respect of the suspension of a taxi driver.

The incident in which the driver was concerned is being looked at by the Police and once the investigation has been concluded the Chair will report back to the Committee on what procedures need to be taken with regard to the driver.

The Chair also informed councillors that there was a Licensing Committee being held on Monday 29 September 2008 as this had been missed off the agenda for forthcoming meetings.

242

## **Introduction of DVLA Checks**

The Chair asked that this item be deferred until the 29 September 2008 meeting when a power point presentation from Data Systems (UK) Ltd would be given to councillors on the introduction of DVLA Checks.

### **Resolved:**

**That the item be deferred until 29 September 2008 meeting.**

243

## **Private Hire Licence in respect of a Limousine and Discreet Licensing Issue**

Councillors received the report of the Licensing Enforcement Officer to seek a decision regarding the approval of the grant of a private hire vehicle licence in respect of a limousine owned by Mrs Waters and that the licence be discreet in manner.

Mrs Waters had applied for a Private Hire Vehicle Licence in respect of a Lincoln Town Car American Stretch Limousine motor vehicle.

**Resolved:**

**That the approval of a private hire vehicle licence in the form of a disc identifying the registration number as a private hire vehicle be approved for the Limousine.**

244

**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.**

245

**Application for Hackney Carriage Licence**

Councillors received the report of the Licensing Enforcement Officer for the grant of a Hackney Carriage Licence for a Ford Mondeo, 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 and produced a copy of his accounts for the period covering the last three years.

Councillors considered the application against the Council's guidelines on hardship and resolved to grant a licence for a vehicle, which did not have disabled access.

**Resolved:**

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

246

**Application for Hackney Carriage Licence**

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 and that the applicant was not applying for the licence on hardship grounds.

The driver handed out several papers to the councillors in connection with his application.

The driver concerned raised various issues in respect of the report before the Committee and that he was not applying for his licence on hardship grounds or medical grounds.

The driver insisted that the Renault Espace mentioned in 4.6 of the report was not the same vehicle. The Licensing Enforcement Officer accepted that it had been an error although this did not materially alter the meaning of the paragraph.

The driver also argued that under S36(7) of the Disability Discrimination Act 1995 the Council had to consider his medical condition. The Licensing Enforcement Officer informed both the driver and the Committee that this section had never been implemented by the Government and was not relevant to this application.

The driver also raised issues that were not relevant to the application before the Committee involving Plate 28, other drivers, other vehicles and a recent Court case.

The driver was questioned as to the status of Plate 28 which he declared was in bits and that he did not have to return as it belonged to him. The Licensing Enforcement Officer advised him that it still belonged to the Council and he was obliged to return it in whatever condition it was currently in.

Concerns were expressed that the licence plate could be misused.

The Committee considered the application and after some debate it was agreed not to grant the Hackney Carriage Licence.

The driver was asked if he had received a fair hearing to which he reported "no".

The Licensing Enforcement Officer was also asked if he had received a fair hearing to which he reported "yes".

The driver asked for the papers he had handed out at the start of the meeting to be returned to him. The Licensing Enforcement Officer asked that he keep the copy he had received as he had made notes on the paperwork during the meeting. As it was not indicated at the start of the hearing that the papers needed to be returned to the applicant, the officer retained his copy.

**Resolved:**

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

The meeting closed at 11:45 am.