

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 18 May 2009, 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 J Dyson, J McCartney, Mrs P Mackay (*for Mrs K McSherry*), W Martin (*for Mrs S Duckett*), C Pearson, Mrs S Ryder, Mrs A Spetch and Mrs D White.

Officials: Interim Head of Service – Legal and Democratic Services (P Burns), Senior Solicitor, Trainee Solicitor, Licensing Enforcement Officer and Committee Administrator.

Public: 2

Press: 0

### 854 **Apologies for Absence and Substitution**

Apologies were received from Councillors Mrs S Duckett and Mrs K McSherry

Substitute Councillors were Councillor Mrs P Mackay (*for Mrs K McSherry*) and W Martin (*for Mrs S Duckett*).

### 855 **Disclosure of Interest**

Councillor Mrs P Mackay declared a personal interest in Minute No. 864.

856

## **Minutes**

### **Resolved:**

**That the minutes of the proceedings of the meeting of the Licensing Committee held on 6 April 2009 be confirmed as a correct record and be signed by the Chair.**

857

## **Licensing Sub-Committee**

### **Resolved:**

**That the minutes of the proceedings of the Licensing Sub Committee meeting held on 6 April 2009 be received.**

858

## **Procedure**

The Procedure was noted.

859

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

The Chair informed Councillors that the background documents in relation to Minute Nos. 860 and 861 were not attached to the agenda due to certain documentation not being received electronically.

In future any background documents will be sent with the agenda but as a separate item.

860

## **Discreet Licensing Issues**

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 Mr Corker and that the licence be discreet in manner.

Mr Corker had applied for a Private Hire Vehicle Licence in respect of a Mercedes 'E' Class motor vehicle but today informed the Committee that this vehicle would not be available until September 2009. Therefore, Mr Corker informed the Committee that he would now be purchasing a Range Rover Vogue vehicle. Mr Corker requested that such a licence be discreet as a consequence of his proposed customers who had booked the car for executive transportation.

The licence disc would be provided on a red background, thereby replicating the colour of the private hire vehicle plate. The driver would, however, be required to keep the private hire plates within the 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.**

861

**Application for medical exemption for a Hackney Carriage Driver and appropriate identification for same**

Councillors received the report of the Licensing Enforcement Officer in relation to granting an application for exemption from assisting passengers in wheelchairs owing to a debilitating medical condition of the Hackney Carriage Driver and in addition the composition of the certificate and badge authorising such exemption.

The exemption would be issued to the driver to retain but not issued to the Hackney Carriage. Such a certificate would only be displayed in a Hackney Carriage when being operated by the driver awarded an exemption by the Council, from assisting wheelchair-using passengers. However, the exemption should not apply when the wheelchair user is accompanied by a third person willing and able to assist the passenger.

Councillors questioned the driver in relation to his medical condition and it was agreed that this exemption be reviewed after a period of 12 months.

**Resolved:**

- (i) That the Hackney Carriage Driver be issued with an exemption certificate for assisting passengers on medical grounds for a period of 12 months, to be reviewed annually by the Licensing Enforcement Officer.**
- (ii) That the driver be issued with a certificate and a badge in the form of a disc on a yellow background.**

862

**Local Government (Miscellaneous Provisions) Act 1982  
Licensing of Sex Establishments – Licence Fee Review**

Councillors received the report of the Licensing Enforcement Officer with regard to seeking a decision to the proposed fees for the licensing of sex shops.

Sex establishments, meaning a sex cinema or a sex shop are licensed under the Local Government (Miscellaneous Provisions) Act 1982. An applicant for the grant, renewal or transfer of a licence under the Act shall pay a reasonable fee.

The current charges for the grant and renewal of a licence were set in 2003 at £5,000 and since that time, as a consequence of incremental annual increases, had risen to £6,023 for the grant of a licence and renewal of a licence.

As a consequence of carrying out a costing exercise it was suggested that these fees should be revised in line with the introduction of the new legislation. The Licensing Department had proposed the following charges:

New application and grant of licence: £4,882

Licence renewal: £2,046

Licence Transfer: £248

**Resolved:**

**In the light of the introduction of recent legislation the revised licence charges for sex establishments be agreed.**

863

**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.**

864

**Complaint about behaviour of Licensed Private Hire Driver**

Councillors received the report of the Licensing Enforcement Officer with regard to the conduct of a Private Hire Driver in connection with operating a Private Hire Vehicle without the appropriate licence on the 12th and 14th March 2009.

The driver explained that owing to his licensed private hire vehicles already being in use he decided to use his own vehicle to convey passengers in return for the cost of the fuel. The Committee was told that the driver admitted the offence and that he had acted unlawfully.

The driver had offered the vehicle to friends as a favour but that it was not licensed and he admitted that he had received a gratuity in the form of fuel paid for by the passengers and that this represented a journey operated for 'hire or reward'.

Councillors asked various questions in relation to the incident and after a long deliberation it was agreed that the driver be given a formal written warning relating to the operation of his business and a copy be placed on his file.

**Resolved:**

**That the Private Hire Driver be given a formal written warning relating to the operation of his business and that this formal warning remain on his file.**

The meeting closed at 11:42 am.