

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 7 September 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 S Duckett, K Ellis, Mrs P Mackay, B Marshall (for Mrs D Davies), J McCartney, Mrs K McSherry, Mrs S Ryder, and Mrs D White.

Officials: Solicitor, Licensing Enforcement Officer and Committee Administrator

In attendance: PC Hickman – In relation to Minute 228

Public: 0

Press: 0

### 221 **Apologies for Absence and Substitution**

Apologies were received from Councillors Mrs Davies and Mrs Dyson.

Substitute Councillor was B Marshall (for Mrs D Davies).

### 222 **Disclosure of Interest**

None.

223

## **Minutes**

### **Resolved:**

**That the minutes of the proceedings of the meeting of the Licensing Committee held on 3 August 2009 be confirmed as a correct record and be signed by the Chair.**

224

## **Procedure**

The Procedure was noted.

225

## **Guidelines relating to the relevance of convictions**

The Guidelines were noted.

226

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

The Chair made the suggestion that today's hearings were of a sensitive nature and could all questions go through the Chair.

227

## **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 1 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.**

228

## **Complaint about behaviour of Licensed Hackney Carriage Driver**

Councillors received the report of the Licensing Enforcement Officer with regard to the behaviour of a licensed Hackney Carriage Driver.

A complaint had been received from North Yorkshire Police alleging that the Hackney Carriage Driver had been driving without due care and attention and behaved inappropriately when interviewed about the matter.

The Licensing Enforcement Officer gave councillors full details of the incident.

PC Hickman gave his account of the incident.

The Hackney Carriage Driver gave his account of the incident.

After considering the very different versions of the events that had taken place it was agreed that the driver be given a four week suspension from driving his Hackney Carriage having regard to his previous record as a Licensed Hackney Carriage Driver. In addition, the Committee suggested the driver attend an Anger Management Course.

**Resolved:**

**That the Hackney Carriage Driver be suspended from driving Hackney Carriages for four weeks with effect from midnight Monday 7 September 2009.**

229

### **Complaint about behaviour of Licensed Private Hire Operator**

Councillors received the report of the Licensing Enforcement Officer with regard to the conduct of a licensed private hire operator, in connection with operating private hire vehicles without the appropriate licence on three occasions and failing to report a road traffic accident within the prescribed period.

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

The Private Hire Operator outlined their version of events.

The Committee agreed that the Private Hire Operator be given a written warning with regard to the incidents and to notify the Licensing Enforcement Officer of any change of address the business would be operated from.

**Resolved: That**

- (i) the Private Hire Operator be given a written warning as to future conduct in respect of the offences outlined;**
- (ii) that the Licensing Enforcement Officer be informed forthwith of any change to the address of the Operator's business; and**
- (iii) the Operator operates in respect of work obtained solely in the controlled area of Selby District Council.**

Councillor McCartney left the meeting at this point.

230

### **Complaint about behaviour of Licensed Private Hire Operator**

Councillors received the report of the Licensing Enforcement Officer with regard to the conduct of a licensed Private Hire Operator following his conviction at Selby Magistrates Court for driving a motor vehicle when his alcohol level was above the prescribed limit.

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

The Private Hire Operator outlined details of the case and also answered questions raised.

Councillors agreed to allow the applicant to continue as a Licensed Private Hire Operator.

#### **Resolved:**

**That the Licensed Private Hire Operator be allowed to continue operating his business.**

231

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

Councillors received the report of the Licensing Enforcement Officer regarding the conduct of the Private Hire Driver in respect of allowing smoking in a Licensed Private Hire Vehicle.

The driver concerned revealed they had not realised that allowing smoking in a Private Hire Vehicle was an offence when the vehicle was not being used to carry fare-paying passengers.

#### **Resolved:**

**That the Licensed Private Hire Driver be given a written warning with regard to allowing smoking in a Private Hire Vehicle.**

232

### **Application for a Private Hire Driver's Licence**

Councillors received the report of the Licensing Enforcement Officer in respect of the applicant's desire to be issued with a Private Hire Driver's Licence and his fitness to operate as a consequence of a CRB disclosure.

The Licensing Enforcement Officer outlined details of the case.

The applicant gave councillors a detailed account of his antecedents.

**Resolved:**

**That the applicant be granted a Private Hire Driver's Licence with an initial probationary period of 12 months.**

Councillor Mrs McSherry left the meeting at this point.

233

**Application for a Private Hire Driver's Licence**

Councillors were informed by the Committee Administrator that the applicant was unable to attend the meeting.

Discussion took place and it was agreed that this case would be deferred and brought before the next meeting of the Licensing Committee to be held on 5 October 2009.

**Resolved:**

**That the applicant be informed that the case would be deferred until the next meeting of the Licensing Committee to be held on 5 October 2009.**

234

**Application for a Private Hire Driver's Licence**

Councillors received the report of the Licensing Enforcement Officer in respect of the applicant's desire to be issued with a Private Hire Driver's Licence and his fitness to operate as a consequence of a CRB disclosure.

The Licensing Enforcement Officer outlined details of the case.

The applicant gave councillors a detailed account of antecedents.

**Resolved: That**

- (i) the applicant be granted a Private Hire Driver's Licence with an initial probationary period of 12 months; and**
- (ii) the driver is employed in respect of work obtained solely in Selby District.**

The meeting closed at 12:50 pm.