

SELBY DISTRICT COUNCIL

MINUTES

Minutes of the proceedings of a meeting of the Licensing Committee held on 10 May 2010 in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

755	Apologies
756	Disclosure of Interest
757	Minutes
758	Procedure
759	Chairs address to the Licensing Committee
760	Regulation of Lap Dancing and Other Sexual Entertainment Venue
761	Licensing Fees 2010/11
762	Private Session
763	Application for a Hackney Carriage License
764	Application for Removal of a Consent

Present: Councillor R Sayner in the Chair

Councillors: Councillor Mrs D White, Councillor Mrs D Davies, Councillor J Deans, Councillor Mrs S Duckett, Councillor Mrs J Dyson, Councillor K Ellis, Councillor J McCartney, Councillor Mrs P Mackay and Councillor Mrs S Ryder.

Officials: Senior Solicitor, Licensing Enforcement Officer and Committee Services Officer.

Public: 0

Press: 0

755 **Apologies for Absence and Substitution**

Apologies were received from Councillor Mrs K McSherry and Councillor B Marshall.

Substitutes were Councillor J Deans (*for Councillor Mrs K McSherry*) and Councillor Mrs D Davies (*for Councillor B Marshall*).

756 **Disclosure of Interest**

There were none.

757 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 12 April 2010 be confirmed as a correct record and be signed by the Chair.

758

Procedure

The Procedure was noted.

759

Chair's Address to the Licensing Committee

The Chair requested that ongoing training in the future for the members of the Licensing Committee be confirmed, to which the Senior Solicitor did.

760

Regulation of Lap Dancing and Other Sexual Entertainment Venues

Councillors received the report of the Licensing Enforcement Officer in respect of the adoption of the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009.

Recommendation to Full Council:

That the Council adopts the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009.

761

Licensing Fees 2010/11

Councillors received the report of the Licensing Enforcement Officer in which it was brought to the attention of the Committee that an objection had been received to the proposed Hackney Carriage and Private Hire fees for 2010/11.

Mr Brian Dennis attended the meeting to present his objections to the Licensing Committee in addition to the submission of his letter, received by Selby District Council on 15th March 2010 (previously circulated within the report).

Mr Dennis questioned the Licensing Committee's authority to deal with the issue. He then outlined his grounds for challenging the fees;

- i) The tests for the fitness of Hackney Carriages and Private Hire Vehicles are not carried out at an approved Ministry of Transport testing station, making any charges to the vehicle driver unlawful.
- ii) That it was unfair to issue members of the Hackney Carriage trade with a Direct Debit mandate for personal checks when no other Selby District Council staff are required to pay for this or subject to regular checks.
- iii) That the authority to make all licensing decisions should be made by the Chief Executive of the council and it was therefore unlawful that any licensing authority be carried out by the Licensing Enforcement Officer or the Licensing Committee members.
- iv) That the Council was acting unlawfully by issuing number plates to vehicles that did not correspond with the number of the licence openly displayed on the carriage in question.

Having finished putting his arguments forward to the Committee Mr Dennis left the meeting, declining the Chair's request to complete the procedural process, remain for questioning and a resolution to the issue.

In his absence the Licensing Enforcement Officer responded systematically to the arguments put forward for the information of the committee members;

- i) It was explained that the council use an approved and certified MOT centre.
- ii) The Direct Debit mandate is a reference to the Driving License Mandate introduced by the council on the 1st July 2009. This covers the cost of criminal checks made against their driving licenses to protect the health and safety of the public and would not be applicable to any other staff that do not transport the public in their line of work.
- iii) This point is dealt with in 4.7 of the previously circulated report.
- iv) The Licensing Enforcement Officer explained that when Local Authority Licensing vehicles have been damaged they are issued with a temporary license plate for the period of repair and to produce duplicate licence plates for each damaged vehicle is beyond the financial resources of the council.

Resolved: That;

- **The Licensing Committee confirms that the original proposal for an increase in Hackey Carriage and Private Hire fees is to remain; and**
- **The date upon which they are to take effect is 10 May 2010**

762

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 3 of the new Schedule 12 (A) of the Local Government (Access to information) (Variation) Order 2006.

763

Application for a Hackney Carriage Licence

Councillors received the report.

Resolved:

That the application for a Hackney Carriage Licence for a vehicle not accessible to the disabled be granted on the grounds of financial hardship.

764

Application for Removal of a Consent Street

Councillors received the report.

Resolved: That;

- **The Licensing Committee refuse the recommendation to pass a resolution to remove the designation of Market Place, Selby as a consent street from the list of consent streets; and**
- **The designation of Market Place, Selby remains as a consent street on the list of consent streets.**

The meeting closed at 11:35am

Licensing Committee
10th May 2010