

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on Monday 6 September 2010, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

### Minutes

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Present: Councillor R Sayner in the Chair

Councillors: Mrs D Duckett, Mrs B Marshall, K Ellis, Mrs P Mackay, J McCartney, Mrs K McSherry, Mrs S Ryder, Mr R Sweeting (*substitute for Mrs J Dyson*) and Mrs D White.

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

#### 197 **Apologies for Absence and Substitution**

Apologies were received from Councillor Mrs J Dyson

Substitute Councillor was R Sweeting (*substituting for J Dyson*)

#### 198 **Disclosure of Interest**

There were none.

#### 199 **Minutes**

##### **Resolved:**

**That the minutes of the proceedings of the meeting of the Licensing Committee held on Monday 7 June be confirmed as a**

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**correct record and be signed by the Chair.**

200 **Procedure**

**Resolved:**

That the Procedure be noted.

201 **Guidance for Hardship**

**Resolved:**

That the Guidelines be noted.

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

The Chair informed the committee that the final item on the agenda (Complaint About Behaviour of Hackney Carriage Driver) has been deferred until the next Licensing Committee meeting.

The Chair also explained that the next meeting would no longer be held on the 4<sup>th</sup> October 2010 as previously scheduled but would now take place a week later on 11<sup>th</sup> October 2010, remaining at 10.00am in Committee Room 2 of the Civic Suite.

203 **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.**

204 **Complaint About Behaviour of Private Hire Operator**

Councillors received the report of the Licensing Enforcement Officer with regard to the conduct of a Private Hire Driver for parking a Private Hire Vehicle on a Hackney Carriage stand.

Councillors were asked to consider whether the individual was a fit and proper person to be licensed as a Private Hire Driver and Operator.

The Licensing Enforcement Officer outlined the details of the case.

The Driver/Operator gave an explanation of the circumstances

surrounding the incident which had led to the complaint and answered councillors' questions.

**Resolved:**

**That the Committee considers the individual to be a fit and proper person to be a licensed Private Hire Operator but will be issued with a written warning for the conduct of parking a Private Hire Vehicle on a Hackney Carriage stand.**

205

**Complaint About Behaviour of Private Hire Operator**

Councillors received the report of the Licensing Enforcement Officer with regard to the conduct of a Private Hire Driver and Operator, for using a Private Hire Vehicle after it had failed a vehicle inspection and was prohibited from use until the faults identified had been corrected.

Councillors were asked to consider whether the individual was a fit and proper person to be licensed as a Private Hire Driver and Operator.

The Licensing Enforcement Officer outlined the details of the case.

The Driver/Operator gave an explanation of the circumstances surrounding the incident which had led to the complaint and answered councillors' questions. He explained that he was under the impression it was okay to continue to drive the vehicle in question because he had become confused over the procedure as a result of not reading the letter properly.

**Resolved: That;**

- **The Committee considers the individual to be a fit and proper person to be a licensed Private Hire Operator but will be issued with a written warning for the conduct of using a Private Hire Vehicle after it had failed a vehicle inspection.**
- **The letter issued by the Licensing Department informing drivers of a failed annual inspection will be revised to clarify the point that as a consequence of its failure the vehicle should not be used on the road until it passes the inspection.**

206

**Complaint About Behaviour of Hackney Carriage Driver**

Councillors received the report of the Licensing Enforcement Officer with regard to the conduct of a Hackney Carriage Driver in respect of an allegation that the driver had used insulting words or disorderly

behaviour within the hearing or sight of a passenger likely to cause harassment, alarm or distress to that person whilst being transported in a Hackney Carriage.

Councillors were asked to consider whether the individual was a fit and proper person to be licensed as a Hackney Carriage Driver.

The Licensing Enforcement Officer outlined the details of the case and read out the contemporaneous notes of the driver's interview.

The Driver gave an explanation of the circumstances surrounding the incidents which had led to the complaint and answered councillors' questions.

**Resolved:**

**That the Committee considers that it has reasonable cause to come to the decision that the individual is not a fit and proper person to be licensed as a Hackney Carriage Driver and his licence be withdrawn.**

**For the following reasons: That;**

- i) The driver agreed with the contents of the Licensing Enforcement Officers report with the exception of the date he started driving and confirmed the accuracy of his interview with the Licensing Enforcement Officer.
- ii) The Licensing Committee formed the view from the evidence that;
  - the words were insulting, made within the hearing of the complainant and caused distress,
  - it was inappropriate behaviour to discuss sexual matters,
  - there was apparent inability from the Driver to understand that comments can offend and cause anger and distress.
- lii) The Licensing Committee balanced the rights of the individual and the community at large.

207

**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 Mercedes C220 saloon car, 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.

Councillors considered the application against the Council's Guidelines on Hardship and resolved to grant a licence for a vehicle, which was not fully accessible to the disabled.

**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.**

208

**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 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.

Councillors considered the application against the Council's Guidelines on Hardship and resolved to grant a licence for a vehicle, which was not fully accessible to the disabled.

**Resolved: That;**

- i) The application for a Hackney Carriage Licence for a vehicle not accessible to the disabled be granted on the grounds of financial hardship.**
- ii) The applicant was advised that in the event of any claim for hardship on any subsequent occasion, it will be a material consideration that a previous application was approved on the grounds of hardship and a further request might be more difficult to prove.**

The meeting closed at 12:20pm