

SELBY DISTRICT COUNCIL

MINUTES

Minutes of the proceedings of a meeting of the Licensing Committee held on Monday 11 October 2010 in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

285	Apologies
286	Disclosure of Interest
287	Minutes
288	Procedure
289	Chairs address to the Licensing Committee
290	Review of Licensing Policy
291	Private Session
292	Complaint About Behaviour of Private Hire Operator
293	Complaint About Behaviour of Hackney Carriage Driver
294	Complaint About Behaviour of Hackney Carriage Driver
295	Complaint About Behaviour of Hackney Carriage Driver

Present: Councillor R Sayner in the Chair

Councillors: Councillor Mrs D White, Councillor B Marshall, Councillor J McCartney, Councillor Mrs K McSherry, Councillor Mrs J Dyson, Councillor K Ellis, Councillor Mrs P Mackay and Councillor Mrs S Ryder.

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

Public: 0

Press: 0

285 **Apologies for Absence and Substitution**

Apologies were received from Councillors Mrs S Duckett.

286 **Disclosure of Interest**

There were none.

287 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 6 September 2010 be confirmed as a

Licensing Committee
11 October 2010

correct record and be signed by the Chair.

288 **Procedure**

The Procedure was noted.

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

The Chair requested that training for the Licensing Committee members be chased up.

290 **Review of Licensing Policy**

The Licensing Enforcement Officer presented the report.

The Licensing Committee members considered Selby District Councils Licensing Policy and approved its content.

Recommendation to Full Council:

That the Licensing Policy prepared under the authority of the Licensing Act 2003 and reviewed in 2010 be approved by Full Council.

291 **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.

292 **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 Operator, in connection with operating a Private Hire Vehicle on two occasions without the appropriate licence.

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;

- i) The Committee considers the individual to be a fit and proper person to be a licensed Private Hire Operator; and**
- ii) The individual will be issued with a written warning which will remain on file for 2 years for operating a Private Hire Vehicle on two occasions without the appropriate license.**

293

Complaint About Behaviour of Hackney Carriage Driver

Upon none attendance at the time of the case being considered, the driver was contacted and reported that he had not received the notification to attend the meeting in person sent to him by post.

As a result the Licensing Committee members agreed that the case should be deferred until the next Licensing Committee meeting and requested that, to avoid such occurrences in the future, the Licensing Enforcement Officer should either deliver the letters by hand or, include within the letter, notification that their attendance needs to be confirmed by either letter or phone call.

Resolved:

That item 9 (Complaint About Behaviour of Hackney Carriage Driver) is deferred to the next Licensing Committee meeting on 1 November 2010.

294

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 relation to the leaving of a Hackney Carriage unattended on a reserve Hackney Carriage Stand.

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

The Licensing Enforcement Officer outlined the details of the case.

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

Resolved: That;

- i) The Committee considers the individual to be a fit and proper person to be a licensed Hackney Carriage Driver;**
- ii) The individual will be issued with a written warning which will remain on file for 12 months for the conduct leaving a Hackney Carriage unattended on a reserve Hackney Carriage stand; and**
- iii) The Licensing Enforcement Officer shall contact all Hackney Carriage Drivers to clarify that this is an offence.**

295

Complaint About Behaviour of Hackney Carriage Driver

Councillors received the report of the Licensing Enforcement Officer with regard to the conduct of a licensed Hackney Carriage Driver, following an allegation that he was confrontational, aggressive and intimidating towards staff employed at a business place authorized by Selby District Council to inspect Hackney Carriages and Private Hire Vehicles.

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

The Licensing Enforcement Officer outlined the details of the case.

Speaking on behalf of the Driver a representative gave an explanation of the circumstances surrounding the incident which had lead to the complaint. Councillors were asked to consider further correspondence introduced by the Driver and his representative. The representation, with permission read a 31 paragraph statement of the Hackney Carriage Driver together with a statement of a witness. The Licensing Officer responded to this representation. The representative dealt with various questions posed by Councillors.

The representative then explained that the Driver in question was regretful of what had occurred. That he would in future conduct himself appropriately and that any issues he may encounter in the future will be processed in writing.

Resolved: That;

- i) The Driver be given a final written warning as to his future conduct and that this be in operation for the period of 24 months from the date of the hearing; and**
- ii) The Driver be reminded by the Committee to act in a fit and proper manner and they recommended that he**

Licensing Committee
11 October 2010

consider asking a third party to take his Hackney Carriage vehicle when it is required for inspection.

The meeting closed at 12:15pm