

SELBY DISTRICT COUNCIL

MINUTES

Minutes of the proceedings of a meeting of the Licensing Committee held on 6 December 2010 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: Councillor Mrs D White, Councillor B Marshall, Councillor Mrs J Dyson, Councillor K Ellis, Councillor Mrs P Mackay, Councillor Mrs K McSherry and Councillor Mrs S Ryder.

Officials: Senior Solicitor, Licensing Enforcement Officer and Overview and Scrutiny Coordinator.

Public: 0

Press: 0

381 **Apologies for Absence and Substitution**

Apologies were received from Councillor Mrs S Duckett.

382 **Disclosure of Interest**

There were none.

383 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 1 November 2010 be confirmed as a correct record and be signed by the Chair.

384

Procedure

The Procedure was noted.

385

Chair's Address to the Licensing Committee

The Chair informed the Committee that the decision they had resolved about the 'Complaint About Behaviour of Licensed Hackney Carriage Driver' case that came as agenda item 10 to the Licensing Committee meeting held on 6 September 2010, had been appealed by the defendant. The case is listed for mention at Selby District Magistrates Court on 21 December 2010.

386

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.

387

Complaint About Behaviour of Hackney Carriage Driver

The Licensing Committee were told that the Hackney Carriage Driver had informed Democratic Services by letter that he was unable to attend the meeting due to work commitments and would therefore request that his case be considered at the next scheduled Licensing meeting.

Resolved:

That the case be deferred until the Licensing Committee meeting on 10 January 2011.

388

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 an allegation of failing to report a road traffic accident.

Councillors were asked to consider whether or not the individual was a fit and proper person to be licensed to operate a Private Hire Vehicle within Selby District. Additional papers to the report were also considered in the form of supportive character witnesses from customers of the Private Hire Operator, circulated to members at the

meeting.

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.

The Licensing Enforcement Officer questioned the individual further to seek clarification on certain points and then summarised the case.

Resolved:

That the Licensing Committee decided that no further action be taken in connection with this matter.

389

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; in connection with her simple police caution for assault and for breaching a condition attached to her licence in failing to provide written details within three days of that matter to the Council.

Councillors were asked to consider whether or not the individual is a fit and proper person to be licensed to drive a Hackney Carriage within Selby District. Additional papers to the report were also considered in the form of supportive character witnesses and copies of Licensing Committee papers from 2006 in which the same individual appeared before the committee to apply for a Hackney Carriage Driver licence.

The Licensing Enforcement Officer outlined the details of the case and councillors sought clarification on certain details.

The Driver gave an explanation of the circumstances surrounding the incidents which had led to her coming before the Licensing Committee and answered councillors' questions.

The Licensing Enforcement Officer questioned the individual further to seek clarification on certain points and then summarised the case.

At this point in the meeting Councillor Mrs K McSherry declared a personal interest in the case due to the individual's children attending the school at which she was a Governor. Councillor McSherry remained in the room but did not take part in the vote.

Resolved: That;

Licensing Committee
6 December 2010

- 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 final warning for the conduct of failing to provide written details of a simple police caution for assault within three days of the matter to the Council and for the offence of assault, remaining on file for 2 years.**

Recommendation to Full Council:

That the Legal Department be allowed to keep hard copies of the personal Licensing files of Hackney Carriage and Private Hire Drivers; in order that they are available to members of the Licensing Committee when dealing with individuals for matters brought to their attention.

The meeting closed at 11:20