

## **Mission Statement**

To Improve the Quality of Life  
For Those Who Live and Work in The District

26 November 2010

Dear Councillor

You are hereby invited to a meeting of the **Licensing Committee** to be held in Committee Room 2, Civic Centre, Portholme Road, Selby on **Monday 6 December 2010** commencing at **10:00 am**.

### **AGENDA**

**1. Apologies for Absence and Notice of Substitution**

To receive apologies for absence and notification of substitution.

**2. Disclosure of Interest**

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Section 117 of the Local Government Act 1972, and Sections 50, 52 and 81 of the Local Government Act 2000 and the Members' Code of Conduct adopted by the Council.

**3. Minutes**

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 1 November 2010 (pages 4 to 7 attached)

**4. Procedure**

To outline the procedure to be followed at the meeting (pages 8 to 9 attached).

**5. Chair's Address to the Licensing Committee**

**6. 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 X of Part 1 of Schedule 12(A) of the Act.**

**7. Complaint About Behaviour of Hackney Carriage Driver**

Report of the Licensing Enforcement Officer (pages 10 to 15 attached).

**8. Complaint About Behaviour of Licensed Private Hire Operator**

Report of the Licensing Enforcement Officer (pages 16 to 19 attached).

**9. Complaint About Behaviour of Hackney Carriage Driver**

Report of the Licensing Enforcement Officer (pages 20 to 23 attached).

M Connor  
Chief Executive  
26 November 2010

### **Disclosure of Interest – Guidance Notes:**

- (a) Councillors are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

**[Please note that the papers relating to the applications have been circulated to councillors of the Licensing Committee only, who should return the agenda to Democratic Services at the conclusion of the meeting to enable the papers to be destroyed confidentially].**

### **Dates of Future Meetings of the Licensing Committee**

<b>Date of Meeting</b>
10 January 2011
7 February 2011
7 March 2011
4 April 2011

### **Membership of the Licensing Committee 10 Members**

<b>Conservative</b>	<b>Labour</b>	<b>Independent</b>
K Ellis		
J Dyson	B Marshall	J McCartney
P Mackay	S Duckett	
K McSherry		
S Ryder		
R Sayner (Chair)		
D White (Vice Chair)		

Enquiries relating to this agenda, please contact Jade Hibberd on:

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SELBY DISTRICT COUNCIL

**MINUTES**

Minutes of the proceedings of a meeting of the Licensing Committee held on 1 November 2010 in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

327	Apologies
328	Disclosure of Interest
329	Minutes
330	Procedure
331	Chairs address to the Licensing Committee
332	Private Session
333	Complaint about the behaviour of a Hackney Carriage Driver
334	Complaint about the behaviour of a Hackney Carriage Driver
335	Public Session
336	Discreet Licensing Issue

Present: Councillor R Sayner in the Chair

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

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

Public: 0

Press: 0

327 **Apologies for Absence and Substitution**

Apologies were received from Councillor K Ellis.

Substitute Councillors were Mrs C Mackman (*for Councillor K Ellis*).

328 **Disclosure of Interest**

None.

329 **Minutes**

**Resolved:**

**That the minutes of the proceedings of the meeting of the Licensing Committee held on 11 October 2010 be confirmed as a correct record and be signed by the Chair.**

330 **Procedure**

The Procedure was noted.

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

The Chair put the suggestion forward to the Licensing Committee that a request be made for the Minutes of their meetings to only be put onto the Council website once they had received their approval. Councillors agreed that this was a good idea.

Due to the applicants not being present at the start of the meeting the Chair deferred the scheduled agenda item 6 (Discreet Licensing Issue) and item 7 (Complaint about the behaviour of a Hackney Carriage Driver) until later in the meeting.

**Recommended to Council:**

**That the minutes of the Licensing Committee are not made available on the Council website until the Licensing Committee has approved them.**

332 **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.**

333 **Complaint About the Behaviour of a 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 and his employer gave an explanation of the circumstances surrounding the incident which had led to the complaint and answered councillors' questions.

Councillors sought clarification from the Licensing Enforcement Officer on certain details of the case.

**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 for the conduct leaving a Hackney Carriage unattended on a reserve Hackney Carriage stand; and**
- iii) The individual be reminded that it is an offence to leave a Hackney Carriage vehicle unattended, on any rank, at any time.**

334

### **Complaint About the Behaviour of a Hackney Carriage Driver**

Councillors received the report of the Licensing Enforcement Officer with regard to the conduct of a Hackney Carriage Driver, following an allegation that he caused his Hackney Carriage to be unattended on Finkle Street, Selby, without the engine being stopped.

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.

Councillors sought clarification from the Licensing Enforcement Officer on certain details of the case.

**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 for the**

**conduct of leaving a Hackney Carriage unattended on Finkle Street, Selby, without the engine being stopped; and**

- iii) The warning letter will include notification that it will remain on file for 2 years.**

335 **Public Session**

**Resolved:**

**That the meeting move from private session back into public to consider the scheduled agenda item 6 (Discreet Licensing Issue).**

336 **Discreet Licensing Issue**

Councillors received the report of the Licensing Enforcement Officer in regards to a discreet licensing issue.

Councillors were asked to seek a decision regarding the approval of the grant of a Private Hire Vehicle licence in respect of Stewart Wrigglesworth and that the nature of such a licence be discreet in manner.

The Licensing Enforcement Officer outlined the details of the case.

The applicant put forward his reasoning for applying for a Private Hire Vehicle licence that would be discreet in manner.

Councillors asked questions clarifying the circumstances that would surround its use.

**Resolved:**

**That the Licensing Committee approve the issue of a Private Hire vehicle licence in the form of a disc identifying a Range Rover motor vehicle as a Private Hire Vehicle.**

The meeting closed at 11.12am

## **LICENSING COMMITTEE**

### **PROCEDURES TO BE FOLLOWED**

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
  - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
  - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
  - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
  - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
2. The procedure to be followed by the Licensing Committee:
  - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
  - ii) The District Solicitor will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
  - iii) The Chair will introduce Members of the Committee.
  - iv) The Chair will then go through the procedure as follows:



- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had a fair hearing and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, press and public, will then be asked to withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, press and public, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Committee Section will inform in writing to the applicant the decision of the Licensing Committee.