

## **Mission Statement**

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

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 7 February 2011**, 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 10 January 2011 (pages 4 to 6 attached)

**4. Procedure**

To outline the procedure to be followed at the meeting (pages 7 to 8 attached).

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

**6. Licensing Fees**

To receive the report of the Licensing Enforcement Officer (pages 9 to 13 attached)

**7. Hackney Carriage Tariffs**

To receive the report of the Licensing Enforcement Officer (pages 14 to 19 attached)

**8. 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.**

**9. Private Hire Application and Discreet Licensing issue**

To receive the report of the Licensing Enforcement Officer (pages 20 to 30 attached)

Jonathan Lund  
Deputy Chief Executive

### **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>
4 April 2011
9 May 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:

Tel: 01757 292078  
Fax: 01757 292020  
Email: [jhibberd@selby.gov.uk](mailto:jhibberd@selby.gov.uk)

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on Monday 10 January 2011, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

### MINUTES

475	Apologies
476	Disclosure of Interest
477	Minutes
478	Procedure
479	Guidelines for Hardship
480	Chair's Address to the Licensing Committee
481	Private Session
482	Complaint about behaviour of Hackney Carriage Driver
483	Application for a Hackney Carriage Licence

Present: Councillor R Sayner in the Chair

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

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

Public: 0

Press: 0

#### 475 **Apologies for Absence and Substitution**

Apologies were received from Councillors K Ellis and B Marshall.

Substitute Councillors were R Sweeting (*for K Ellis*) and J Thurlow (*for B Marshall*).

#### 476 **Disclosure of Interest**

There were none.

#### 477 **Minutes**

##### **Resolved:**

**That the minutes of the proceedings of the meeting of the Licensing Committee held on 6 December 2010 be confirmed as a correct record and be signed by the Chair.**

478           **Procedure**

The Procedure was noted.

479           **Guidelines for Hardship**

The Guidelines were noted.

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

The Chair informed the committee that the appeal of their decision against the case of a 'Complaint About Behaviour of Licensed Hackney Carriage Driver' that came as agenda item 10 to the Licensing Committee meeting held on 6 September 2010, would be heard in court on 8 February 2011 and she would be attending.

481           **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.**

482           **Complaint About Behaviour of a 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 driving a Hackney Carriage upon a footpath in Brayton Lane, Selby, who attended with his employer and a witness.

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.

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 his attendance before the Licensing

Committee. He answered councillors' questions, during which he revealed that he transported councillor White's child as part of his school contract.

The Licensing Enforcement Officer summarised the case and all parties left the room whilst councillors considered the issue.

At this point in the meeting councillor Mrs D White declared a personal interest in the case due to her child using the school run service the applicant provided. Councillor White remained in the room but did not take part in debate thereafter or the vote.

**Resolved:**

**That no further action be taken.**

**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 Citroen Picasso, 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.**

The meeting closed at 10:55am.

## **LICENSING COMMITTEE**

### **PROCEDURES TO BE FOLLOWED**

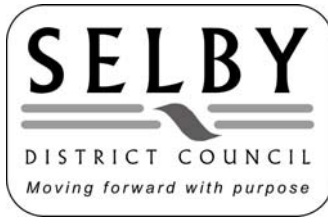
The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal 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.





## Public Session

Agenda Item No: 6

---

**Title:** Licensing fees  
**To:** Licensing Committee  
**Date:** 7<sup>th</sup> February 2011  
**Service Area:** Customer and Business Support  
**Author:** Tim Grogan  
**Presented by:** Tim Grogan

---

### 1. Purpose of Report

1.1 To bring to the attention of this Committee the review of licensing fees.

### 2. Recommendation(s)

2.1 That councillors consider the necessity for an increase in licensing fees.

### 3. Executive Summary

3.1 Permission is sought to increase the current licensing fees.

### 4. The Report

4.1 A review of all licensing fees takes place annually. In 2010 the Licensing Committee approved an increase in licensing fees of 5% for all fees with the exception of Hackney Carriage and Private Hire fees, which were increased by 10%. The Licensing Department proposes an increase this year of 4.6% in accordance with the fees and charges policy.

4.2 Fees have been rounded to the nearest 50 pence or £1. A schedule is attached for consideration. It should be noted that Lotteries and Amusement permits were agreed at a previous meeting of the Licensing Committee in line with the Gambling Act.

4.3 Table 1 below shows the current estimated cost of Selby District Council's licensing function to be £153,930, which decreases to £148,890 in 2011/12 and rises to £152,420 in 2012/13. The estimated income for all three years is also shown and the net cost is revealed by subtracting the estimated income from the estimated costs.

Table 1  
Summary of estimated licensing costs and income

	2011/12 £	2012/13 £	2013/14 £
Estimated Costs	126,560	125,520	127,506
Estimated Income	(123,090)	(124,630)	(126,220)
Net Cost	3,470	890	1,286

## 5. Financial Implications

5.1 There are financial implications in connection with this report. The need to advertise the Hackney Carriage and Private Hire licensing fees is approximately £200.

## 6. Link to Corporate Plan

6.1 It is the Corporate Policy of the Council to promote the health and safety of those who live and work in the District.

## 7 How Does This Report Link to Council's Priorities?

7.0 It is a Council priority to promote the health and safety of those who live and work in the District.

## 8 Impact on Corporate Policies

8.1 **Service Improvement** **No Impact**

8.2 **Equalities** **No Impact**

8.3 **Community Safety and Crime** **No Impact**

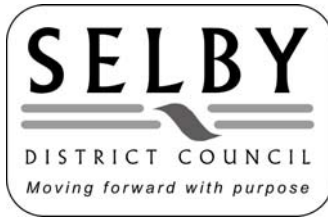
8.4 **Procurement** **No Impact**

8.5	<b>Risk Management</b>	<b>No Impact</b>
8.6	<b>Sustainability</b>	<b>No Impact</b>
8.7	<b>Value for Money</b> There is a necessity to increase fees to pay for the service provided.	<b>Impact</b>
<b>9</b>	<b>Background Papers</b>	
9.1	Schedule of proposed increases to licensing fees.	

**LICENCES**

<b>2010 / 2011</b>	<b>SERVICES</b>	<b>VAT</b>	<b>2011 / 2012</b>
From 1/4/10			
	<b>ANIMAL BOARDING ESTABLISHMENT</b>		
176.50	Initial Licence	0	184.65
100.50	Renewal Licence	0	105.00
	<b>RESTRICTED ANIMAL HOME BOARDING</b>		
89.00	Initial licence	0	93.00
51.00	Renewal Licence	0	53.50
	<b>DANGEROUS WILD ANIMALS – BY INDIVIDUAL ASSESSMENT</b>		
	<b>DOG BREEDING</b>		
138.00 + Vet	Initial Licence	0	144.50 +Vet
100.50 + Vet	Renewal Licence	0	105.00 +Vet
	<b>PET SHOP</b>		
138.00 + Vet	Initial Licence	0	144.50 +Vet
100.50 +Vet	Renewal Licence	0	105.00 +Vet
	<b>RIDING ESTABLISHMENT</b>		
367.50	1 – 9 Horses	0	384.50
394.00	10 + Horses	0	412.50
	<b>NON – FOOD</b>		
610.00	Street Trading Consent (per annum) or (1 x 53.00 & 11 x 48.00)	0	638.50
20.47	Occasional Street Trading Consent (per day)	0	21.50
	<b>FOOD</b>		
1215.37	Street Trading Consent (per annum) or (1 x 106.08 & 11 x105.95)	0	1271.53
51.00	Occasional Street Trading Consent (per day)	0	53.50
91.50	Occasional Street Trading Consent (per day)	0	96.00
	<b>MOTOR SALVAGE OPERATOR</b>		

2010 /2011	SERVICES	VAT	2011 /2012
From 1/4/10			
	<b>CONTROL OF SEX ESTABLISHMENTS</b>		
5126.00	Initial Licence 2/3 with app unrefundable. (3575.34) 1/3 on grant (1787.66)	0	5363.00
5126.00	Renewal Licence	0	5363.00
260.50	Transfer of Licence	0	272.50
139.00	<b>MISCELLANEOUS</b>	0	145.50
	Acupuncture, Tattooing, Body Piercing and Electrolysis		
	<b>GAMBLING ACT 2005</b>		
	<b>LOTTERIES &amp; AMUSEMENTS</b>		
40.00	Initial Lottery Permit		40.00
20.00	Annual renewal of Lottery Permit		20.00
	<b>OTHER CHARGES</b>		
0.60	Photocopies of any documents (per sheet)		60p



## Public Session

Agenda Item No: 7

---

**Title:** Hackney Carriage tariffs  
**To:** Licensing Committee  
**Date:** 7<sup>th</sup> February 2011  
**Service Area:** Customer and Business Support  
**Author:** Tim Grogan  
**Presented by:** Tim Grogan

---

### 1. Purpose of Report

1.1 To bring to the attention of this Committee the review of Hackney Carriage tariffs.

### 2. Recommendation

2.1 **That councillors consider the necessity to increase Hackney Carriage tariffs.**

### 3. Executive Summary

3.1 Permission is sought to approve an increase in Hackney Carriage tariffs.

### 4. The Report

4.1 A review of Hackney Carriage tariffs takes place annually. The Licensing Committee last approved an increase in Hackney Carriage tariffs on 18<sup>th</sup> February 2008, which were implemented on the 14<sup>th</sup> April 2008.

4.2 As part of the consultation process letters were sent out to 38 Hackney Carriage proprietors on 22<sup>nd</sup> October 2010. The closing date for replies was 29<sup>th</sup> November 2010. 11 replies were received with various comments.

- 4.3 Of the 11 replies received only one recommended no change whereas the remainder all proposed increases of varying degrees. A draft outlining the material detail of the proprietor's responses is attached at paragraph 9.1.
- 4.4 Ostensibly the responses are of a varied and convoluted nature. However, broken down they can be categorised as follows:

**Tariff One**

- (i) 4 proposed the flag rate for Tariff One be increased by 50 pence
- (ii) 1 proposed the flag rate for Tariff One be increased by 40 pence
- (iii) 3 proposed the flag rate for Tariff One be increased by 20 pence

**Tariff Two**

- (i) 1 proposed the flag rate for Tariff Two be increased by 50 pence
- (ii) 1 proposed the flag rate for Tariff Two be increased by 30 pence
- (iii) 3 proposed the flag rate for Tariff Two be increased by 20 pence

**Mileage rate following initial flag distance of  $\frac{3}{4}$  of a mile**

- (i) 1 proposed the mileage rate be increased by 10 pence per mile
- (ii) 1 proposed the mileage rate be increased by 20 pence per mile

**Alteration to time that Tariff Two comes into force**

- (i) 2 proposed that Tariff Two come into force at 10pm rather than the current 11pm.

- 4.5 As a consequence of the small number of replies and the multifarious nature of the responses the Licensing Enforcement Officer interviewed the majority of Hackney Carriage proprietors and established that there was a consensus for a flag rate increase of 50 pence for the first  $\frac{3}{4}$  mile in connection with Tariff One. In addition, there was a similar consensus for a flag rate increase of 20 pence for the first  $\frac{3}{4}$  mile in connection with Tariff Two.
- 4.6 The fact that there will have been no tariff increase for effectively three years, despite annual increases in licensing fees and other road costs, it is recommended that the Licensing Committee give serious consideration to the proposal that the flag rate for Tariff One be increased from £3.00 to £3.50 and that the flag rate for Tariff Two be increased from £3.50 to £3.70.

**5. Financial Implications**

- 5.1 There is a financial implication for the Council. The tariffs require to be advertised at a cost of approximately £200.

**6. Link to Corporate Plan**

- 6.1 It is the Corporate Policy of the Council to promote the health and safety of those who live and work in the District.

## **7 How Does This Report Link to Council's Priorities?**

7.0 It is a Council priority to promote the health and safety of those who live and work in the District.

## **8 Impact on Corporate Policies**

8.1 **Service Improvement** **No Impact**

8.2 **Equalities** **No Impact**

8.3 **Community Safety and Crime** **No Impact**

8.4 **Procurement** **No Impact**

8.5 **Risk Management** **No Impact**

8.6 **Sustainability** **No Impact**

8.7 **Value for Money** **No Impact**

## **9 Background Papers**

9.1 A draft of the proposed annual increase in Hackney carriage tariffs.

9.2 Letter from taxi driver – proposed tariffs.

9.3 Hackney Carriage tariff file is available in the Legal Section.



## DRAFT OF PROPOSED HACKNEY CARRIAGE TARIFF INCREASE FOR 2011/2012

A review of hackney carriage fares takes place each year. The present tariffs have been in place since 14th April 2008, before that it was 2 April 2007 and 3 July 2006.

Letters were sent out to the 38 Hackney Carriage Proprietors on 22nd October, the closing date was 29th November, 11 replies came back with various comments.

- 1 wanted a 40p rise in Tariff 1, and 20p rise in Tariff 2.
- 1 wanted a 50p rise on all Tariffs.
- 1 wanted no change.
- 1 wanted a 50p rise on Tariff 1.
- 2 wanted 20p rise on both Tariffs.
- 1 wanted a change in starting Tariff 2 from 11 pm to 10 pm.
- 1 wanted a 50p rise in Tariff 1 and 30p on Tariff 2.
- 1 wanted a 20p rise in Tariff 1 and then 10p per a mile.
- 1 wanted a 50p rise in Tariff 1 and then 20p per a mile.
- 1 wanted a small increase to reflect the increased costs of fuel and the Licensing fee, and starting Tariff 2 from 11 pm to 10 pm.

It is for the Committee to decide whether or not to go with the proposed increase, or leave them on the current rates until the annual review for 2012.

CURRENT	PROPOSED
Tariff 1 Daytime 7am – 11pm Monday to Saturday £3.00 for the first ¼ mile £1.50 for every mile thereafter (10p for every other 1/15 mile)	Tariff 1 Daytime 7am – 11am Monday to Saturday £3.50 for the first ¼ mile £1.50 for every mile thereafter (10p for every other 1/15 mile)
Waiting Time £15.00 per hour	No change
Tariff 2 Night time 11pm – 7am all day Sunday & Bank Holidays £3.50 for the first ¼ mile £1.70 for every mile thereafter (10p for every other 1/17 mile)	Tariff 2 Night time 11 pm – 7 am all day Sunday & Bank Holidays £3.70 for the first ¼ mile £1.70 for every mile thereafter (10p for every other 1/17 mile)
Waiting Time £20.00 per hour	No Change
Tariffs 3 & 4 Christmas & New Year Double the appropriate tariff 1800hours 24 December to 0700 hours 27 December each year and 1800 hours 31 December to 0700 hours 2 January each year.	No Change
Tariff 5 (to be used when carrying 5 or more passengers in a vehicle licensed to do so, day and night time, including Sundays and Bank Holidays). £3.50 for the first ½ mile £2.20 for every mile thereafter (10p for every other 1/22 <sup>nd</sup> mile)	No change
Waiting Time £20.00 per hour	No change
Tariff 6 Christmas & New Year Double tariff 5 1800 hours 24 December to 0700 hours 27 December each year and 1800 hours 31 December to 0700 hours 2 January each year.	No change

Extras	No change
Cats & dogs	Carried at Driver's discretion 20p
Guide dogs	Free carriage
Fouling charge	£50.00

There are financial implications for the Council if the proposed changes to the hackney carriage tariff goes ahead, as they have to be advertised as a Public Notice in a local newspaper. The cost of this last year was £282. plus vat.

**From:** John Richards  
**Date:** 26/01/2011 12:53:59  
**To:** John Richards  
**Subject:** Tariffs

**TOADSTOOL CABS**  
2 MIDDLEBROOK GARDENS, BRAYTON  
SELBY, NORTH YORKSHIRE YO8 9SY  
TEL/FAX: 01757 210968  
MOBILE: 07973 828017

Dear committee,

I would like to include my proposals for tariff increase as follow,s., 50p increase flag on tariff 1 2 & 5,.In addition on tariff 5 I propose an increase of 20p per mile after the first half mile making it £2.40 per mile thereafter instead of the current £2.20.

There needs to be a proportionate increase across all Tariffs in order to maintain a fare & reasonable adjustment. Some taxi drivers only work day time, some night time only. & some all the time , day & night). Tariff 2 night time carries an increase risk of danger & accident to both driver & vehical, ( carrying drunken & often violent passengers about).

Tariff 5. . (5 to 8 passengers) increased risk of danger, increased running costs as these are usualy bigger vehical's.

I feel this to be a fairer across the board increase proposal to the public & would therefore very much appreciate your consideration with this regard. I did not receive the original request letter for increases, although I understand there was a deadline sometime way back in November for any change in fares to be in by, Now 3 months later fuel costs have increased by 10% in that period alone & still rising .I did make a subsequent request for increase but this must have be missed of the agenda.

Mr Binns who works for me as carefully read my proposals & signed this accordingly in full agreement, therefore I would like you to consider this as 2 proposals on this agenda.

My apologies for not being able to attend this meeting due to personnel commitments.

26/1/11

Ragards J H Richards sig

M Binns sig

