

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on Monday 7 March 2011, 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 J Dyson, Mrs D Duckett, Mrs B Marshall, Mrs P Mackay, Mrs K McSherry, Mrs S Ryder, Mrs C Mackman (*substitute for K Ellis*) and Mrs D White.

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

578 **Apologies for Absence and Substitution**

Apologies were received from Councillor K Ellis

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

579 **Disclosure of Interest**

There were none.

580 **Minutes**

Licensing Committee
7 March 2011

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 7 February 2011 be confirmed as a correct record and be signed by the Chair.

581 **Procedure**

The Procedure was noted.

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

The Committee were informed that due to unforeseen personal circumstances the Hackney Carriage Driver in question for agenda item 13 (Complaint about behaviour of Licensed Hackney Carriage Driver) was unable to attend today's meeting and the item would be deferred until the next Licensing Committee meeting on 4 April 2011.

583 **Discreet Licensing Issue**

Councillors received the report of the Licensing Enforcement Officer which informed the Licensing Committee of the applicant's desire to be granted a Private Hire Vehicle licence; the nature of which is discreet in manner.

Councillors were recommended to consider whether to approve the issue of a Private Hire Vehicle licence in the form of a disc identifying a VW Transporter Shuttle motor vehicle as a Private Hire Vehicle.

Resolved:

That the Licensing Committee approve to issue a Private Hire Vehicle licence in the form of a disc, discreet in manner.

584 **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.

585 **Private Hire Application and Discreet Licensing Issue**

Councillors received the report of the Licensing Enforcement Officer which brought to the Licensing Committee's attention the applicants desire to be issued with a Private Hire Drivers Licence and, in addition, to seek a decision regarding the approval of the grant of a Private Hire Vehicle licence, the nature of which, be discreet in manner.

Councillors were recommended to consider, after hearing the facts, whether or not the applicant is a fit and proper person, to be issued with a Private Hire Drivers Licence; and to approve the issue of a Private Hire Vehicle licence in the form of a disc identifying a BMW long wheel-base 7 series motor vehicle as a Private Hire Vehicle.

Resolved: That;

- **The applicant be issued with a Private Hire Drivers Licence; and**
- **The Licensing Committee approve to issue a Private Hire Vehicle licence in the form of a disc, discreet in manner.**

586

Application for a Private Hire Drivers Licence

Councillors received the report of the Licensing Enforcement Officer seeking a decision from the committee regarding the conduct of the driver, in connection with using a mobile telephone whilst operating as a licensed Private Hire Driver.

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.

The Licensing Enforcement Officer was questioned by the Committee on the issue that there is currently no requirement within the conditions for Hackney Carriage and Private Hire Drivers to formally report simple police cautions or fixed penalty notices imposed upon them. It was agreed the issue would be picked up and discussed at more length after the scheduled agenda items.

Councillors were recommended to consider whether or not the Private Hire Driver is a fit and proper person, being a requirement to be licensed to drive a Private Hire Vehicle within Selby District.

Resolved:

That the Private Hire Driver be issued with a written warning regarding his use of a mobile telephone whilst operating his Private Hire Vehicle and warning will remain on his record for 24 months.

587

Complaint About Behaviour of Licensed Hackney Carriage Driver

Councillors received the report of the Licensing Enforcement Officer seeking a decision from the committee regarding the conduct of the Driver in connection with his driving a Hackney Carriage at excess speed.

The driver gave an explanation of the circumstances surrounding the incidents which had led to his attendance before the Licensing Committee. He answered councillor's questions.

Councillors were recommended to consider whether or not the Driver is a fit and proper person, being a requirement to be licensed to drive a Hackney Carriage within Selby District.

Resolved: That;

- **The driver be issued with a final written warning that will remain on his record for 24 months; and**
- **The driver be informed that if he appears before the Licensing Committee in an adverse capacity within that time his licence to operate would be placed at risk.**

588

Issue Concerning Behaviour of Licensed Private Hire Driver

Councillors received the report of the Licensing Enforcement Officer seeking a decision from the Licensing Committee regarding a licensed Private Hire driver as a consequence of his Private Hire Vehicle being served with a Prohibition Notice owing to the condition of a tyre, following an inspection during an enforcement exercise.

The driver gave an explanation of the circumstances surrounding the incidents which had led to his attendance before the Licensing Committee. He answered councillor's questions.

Councillors were recommended to consider whether or not the Private Hire Driver is a fit and proper person, being a requirement to be licensed to drive a Private Hire vehicle within Selby District.

Resolved:

That the driver be issued with a written warning regarding the condition of his vehicle, to remain on his file for 12 months.

589

Issue Concerning a Hackney Carriage Driver application

Councillors received the report of the Licensing Enforcement Officer bringing the Committees attention the applicants desire to be issued with a Hackney Carriage Drivers Licence.

The applicant gave an explanation of both the circumstances surrounding his desire to be a Hackney Carriage Driver and a previous criminal conviction. He then answered councillor's questions.

Councillors were recommended to consider, after hearing the facts, whether or not the applicant is a fit and proper person to be issued with a Hackney Carriage Driver's Licence.

Resolved:

That the applicant be refused a Hackney Carriage Drivers licence in compliance with the District Council's guidelines relating to the relevance of convictions.

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Issue Concerning Behaviour of Licensed Hackney Carriage Driver

This item was deferred until the next meeting of the Licensing Committee on 4 April 2011.

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Any Other Business

The Committee returned to the issue raised in connection with conditions attached to licences issued to Hackney Carriage and Private Hire Vehicles. Accordingly it was decided to amend the conditions to both licences.

Recommendation to the Policy & Resources Committee:

That an amendment be made to the conditions attached to licences issued to Hackney Carriage and Private Hire Vehicle Drivers as follows:

SCHEDULE OF CONDITIONS ATTACHED TO A PRIVATE HIRE DRIVER'S LICENCE

2. The driver shall give written notice to the Council as soon as reasonably practicable and in every case within 3 days, of any conviction, simple police caution or fixed penalty notice recorded against him/her.

**SCHEDULE OF CONDITIONS ATTACHED TO A HACKNEY
CARRIAGE DRIVER'S LICENCE**

4. The driver shall within three days supply to the Council written details of:

ii) any conviction, simple police caution or fixed penalty notice recorded against himself/herself.

The meeting closed at 11:45am.