

## **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 March 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 7 February 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. Discreet Licensing Issue**

To receive the report of the Licensing Enforcement Officer (pages 9 to 17 attached).

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

**8. Private Hire Application and Discreet Licensing Issue**

To receive the report of the Licensing Enforcement Officer (pages 18 to 28 attached).

**9. Application for a Private Hire Drivers Licence**

To receive the report of the Licensing Enforcement Officer (pages 29 to 34 attached).

**10. Complaint About Behaviour of Licensed Hackney Carriage Driver**

To receive the report of the Licensing Enforcement Officer (pages 35 to 37 attached).

**11. Issue Concerning Behaviour of Licensed Hackney Carriage Driver**

To receive the report of the Licensing Enforcement Officer (pages 38 to 41 attached).

**12. Issue Concerning a Private Hire Driver in Connection with the Conditions of his Private Hire Vehicle**

To receive the report of the Licensing Enforcement Officer (pages 42 to 50 attached).

**13. Issue Concerning Behaviour of Licensed Private Hire Driver**

To receive the report of the Licensing Enforcement Officer (pages 51 to 64 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

### **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 7 February 2011, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

524	Apologies for Absence and Notice of Substitution
525	Disclosure of Interest
526	Minutes
527	Procedure
528	Chair's Address to the Licensing Committee
529	Licensing Fees
530	Hackney Carriage Tariffs
531	Private Session
532	Private Hire Application and Discreet Licensing Issue

Present: Councillor R Sayner in the Chair

Councillors: Mrs D Davies (*Substitute for B Marshall*), Mrs J Dyson, K Ellis, J McCartney, Mrs K McSherry, Mrs S Ryder, Mrs C Mackman (*Substitute for Mrs P Mackay*) and Mrs D White.

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

### 524 **Apologies for Absence and Substitution**

Apologies were received from Councillors B Marshall and Mrs P Mackay.

Substitute Councillors were Mrs D Davies (*substituting for B Marshall*) and Mrs C Mackman (*substituting for Mrs P Mackay*).

### 525 **Disclosure of Interest**

There were none.

### 526 **Minutes**

#### **Resolved:**

**That the minutes of the proceedings of the meeting of the**

Licensing Committee  
7 February 2011

**Licensing Committee held on 10 January 2011 be confirmed as a correct record and be signed by the Chair.**

527 **Procedure**

The Procedure was noted.

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

The Chair had nothing to update.

529 **Licensing Fees**

Councillors received the report of the Licensing Enforcement Officer which proposed a review of the licensing fees which is done on an annual basis. An increase of 4.6% in accordance with the fees and charges policy was put forward.

The permission of the Committee was sought to increase the current licensing fees.

**Resolved:**

**That the Licensing Committee agree the necessity for an increase in licensing fees by 4.6%.**

530 **Hackney Carriage Tariffs**

Councillors received the report of the Licensing Enforcement Officer which brought the committee's attention to the review of Hackney Carriage tariffs.

The permission of the Committee was sought to approve an increase in Hackney Carriage tariffs.

**Resolved:**

**That the Licensing Committee agree the necessity for an increase in Hackney Carriage tariffs.**

531 **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.**

532

**Private Hire Application and Discreet Licensing Issue**

**Resolved:**

**That this item be deferred to the next Licensing Committee meeting to be held on 7 March 2011 to allow for the applicant to be in attendance to present their case.**

The meeting closed at 10.27.

## **LICENSING COMMITTEE**

### **PROCEDURES TO BE FOLLOWED**

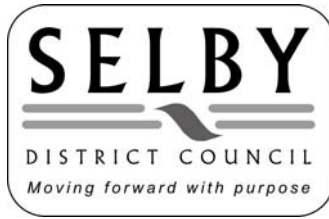
The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal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

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**Title:** Discreet Licensing issue  
**To:** Licensing Committee  
**Date:** 7<sup>th</sup> March 2011  
**Service Area:** Customers and Business Support  
**Author:** Tim Grogan  
**Presented by:** Tim Grogan

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### 1. Purpose of Report

- 1.1 To bring to the attention of the Committee, the applicant's desire to be granted a Private Hire Vehicle licence that the nature of such a licence be discreet in manner.

### 2. Recommendation(s)

- 2.1 **That Councillors 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.**

### 3. Executive Summary

- 3.1 Bryn Green has applied for a Private Hire Driver's Licence in respect of a VW Transporter Shuttle motor vehicle and requests that the licence be discreet in manner.

### 4. The Report

- 4.1 On 4<sup>th</sup> February 2011 Bryn Green applied to Selby District Council for a Private Hire Driver's licence in respect of a VW Transporter Shuttle motor vehicle. He requested that such a licence be discreet in manner as a consequence of his proposed customers requesting an executive transportation service using vehicles not displaying a 'plate'.

- 4.2 Three prospective business customers support this application and confirm this information in writing.
- 4.3 Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is the legislation which deals with this matter. The Section provides that a District Council shall issue a plate or disc in order that a vehicle may be identified as a Private Hire Vehicle.
- 4.4 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on five previous occasions.
- 4.5 A copy of the disc, which will be provided on a red background when issued thereby replicated the colour of the Private Hire Vehicle plate, is available for scrutiny.
- 4.6 A copy of Mr Green's application letter is attached together with the three letters from his prospective business customers.

## **5. Financial Implications**

- 5.1 There are no financial implications.

## **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 | <b>Service Improvement</b><br>Discreet ID expands the service provision of the District Council enhancing its image in relation to licensing vehicles of a lavish and well-appointed nature | <b>Impact</b>    |
| 8.2 | <b>Equalities</b>                                                                                                                                                                           | <b>No Impact</b> |
| 8.3 | <b>Community Safety and Crime</b>                                                                                                                                                           | <b>No Impact</b> |
| 8.4 | <b>Procurement</b>                                                                                                                                                                          | <b>No Impact</b> |
| 8.5 | <b>Risk Management</b>                                                                                                                                                                      | <b>No Impact</b> |

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

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

**9 Background Papers**

9.1 A copy of Section 48(5) of the Local Government Act (Miscellaneous Provisions) Act 1976 is available in the Legal Services section.

9.2 Letter from Bryn Green

9.3 Letter of support from Shirley Wordsworth of Guardian Industries UK Ltd

9.4 Letter of support from M J Bartram of Abbey Travel

9.5 Letter of support from Melanie Wedgbury of Drax Power Ltd

9.6 Application for grant of licence by Bryn Green

9.7 Copy of disc

blgprivatehire.com 01757 212008

BLG Private Hire  
2 Sand Lane, Barlby  
Selby, North Yorkshire  
YO85LA  
01757 212008  
07894563482  
Email [blghire@gmail.com](mailto:blghire@gmail.com)  
[blgprivatehire.com](http://blgprivatehire.com)

Dear Mr Tim Grogan

As from the 1<sup>st</sup> March I will be taking purchase of a new top of the range VW transport shuttle to provide a high class transfer service to my current and new customers after talking with them they all agree that a more discreet vehicle would be of benefit to their business and aid in the comfort of clients.

Please accept this letter along with my three references as a request for discreet private hire.

Yours Sincerely

Bryn Green



1<sup>st</sup> February 2011

To Whom It May Concern

Dear Sir/Madam

**Re: BLG Hire**

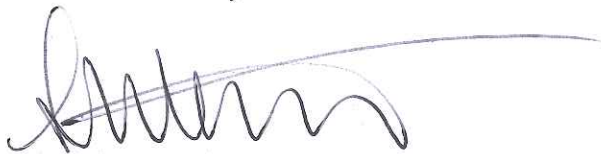
In respect to the above Company, which Guardian Industries UK Ltd use regularly to chauffeur VIP's and foreign visitors from Airports to our Plant in Goole on a frequent basis.

It would be appreciated if BLG Hire could collect our visitors in a car without taxi plates displayed as it would send out the right image of the Company and the importance of their visit to us.

BLG Hire has provided excellent service to Guardian Industries UK Ltd for sometime now but we would appreciate a more executive approach when collecting our visitors and we have requested BLG Hire to provide this executive chauffeur car.

If I can be of further assistance to this request please do not hesitate to contact me.

Yours faithfully



Shirley Wordsworth  
Human Resources



**Abbey Travel**

3 New Lane, Selby,  
North Yorkshire YO8 4QB  
Telephone 01757 702922 Fax 01757 210184  
E-mail: sales@abbeytravelselby.co.uk



Mr B Green  
BLG Private Hire  
2 Sand Lane  
Barlby  
Selby  
YO8 5LA



2<sup>nd</sup> February 2011

Dear Bryn

As you know, having provided transfers for many of our clients for some years now, we only reserve immaculate vehicles with smart drivers, which sit well with the type of holidays we arrange.

When booking private hire transfers for our passengers, we are frequently asked to reassure them that the vehicle will **NOT** be a battered taxi, covered in logos and advertising signs etc, this is because they do not wish to have such a vehicle stood outside their houses, advertising the fact that they are going away on holiday, either to their neighbours, or to anyone else who may be watching, and possibly earmarking properties that are going to be unoccupied for any length of time.

With this in mind we would like to wholeheartedly endorse your application for discreet plates for your new vehicle, and please feel free to submit this letter to the Council in full support of your case.

We are pleased to hear that you are taking delivery of a new private hire vehicle shortly, and wish you every success with it.

Yours sincerely

M. J. Bartram F.Inst.T.T.  
Proprietor  
Abbey Travel *Worldchoice*

7 February 2011

CENTRAL SERVICES  
11 FEB 2011  
RECEIVED

Dear Sir/Madam

**BLG Private Hire ("BLG")**

Drax Power Limited is a frequent user of BLG's services and, in particular, we appreciate the quality of the service provided. I understand that an application is being made to operate the business as 'discrete private hire'. We are of the view that the quality of the service provided is certainly more in line with a private hire/executive car hire approach, and so believe this application to be appropriate.

We can foresee that there may well be times when discrete private hire would be preferable to a service displaying taxi plates, for example, when transporting high profile visitors to and from our site.

Yours faithfully

LEGAL SERVICES  
RECEIVED  
11 FEB 2011



Melanie Wedgbury  
Head of External Affairs

# SELBY

IN THE VALE OF YORK

## Selby District Council

Please read carefully before completing

Regulation for Information under Section 57 of the Local Government (Miscellaneous Provisions) Act, 1976

### APPLICATION FOR GRANT OF A PRIVATE HIRE VEHICLE LICENCE

Mr  Mrs  Miss  Ms

Surname: GREEN

Forename(s): BRYN

Address: 2 SAND LANE  
BARLBY  
SELBY

Post Code: YO8 5LA

Tel No: 212008

Mobile: 078914563482

Details of vehicle

Plate number: 37

Registration no: ~~YK11 LTT~~

Make: VW

Model: TRANSPORTER SHUTTLE

Colour: SILVER

Date first registered: March 1st 2011

No. of passengers: 8

Meter make/model:

Type of Fuel: Diesel

Have you previously held:

a) Hackney Carriage Proprietor's Licence? YES/NO

b) Private Hire Vehicle Licence? YES/NO

If YES give:

a) Issuing Authority: Selby

b) Date of issue:

Is the vehicle wheelchair accessible? \* YES/NO  
If so, was it purpose built/converted (when and by whom)

Name and address of Private Hire Operator by whom you would be employed:

Self employed

#### DECLARATION

I declare that to the best of my knowledge and belief the answers given above are true. If a licence is granted I undertake to comply with the conditions attached on the grant of the licence. Should I engage in other employment, I also agree to partake of sufficient rest and refreshment after finishing work before commencing driving for hire.

I enclose the sum of £: 157.50 + Plates each £24.00 or £17.00 Plus deposit £16.00 being payable in respect of this application, and any other documentation requested.

Signed: *Bhelen*

Date: 04/02/2011

APPLICANTS ARE ADVISED THAT TO MAKE, KNOWINGLY OR RECKLESSLY, A FALSE STATEMENT OR OMIT ANY INFORMATION FROM THIS APPLICATION IS A CRIMINAL OFFENCE.

N.B. You are obliged to notify the Council of any changes in circumstances or particulars in any of the sections, as soon as possible.



**PLEASE ENCLOSE THE FOLLOWING:-**

COMPLETED APPLICATION FORM  
VEHICLE REGISTRATION DOCUMENT  
CERTIFICATE OF INSURANCE  
M.O.T. CERTIFICATE (IF VEHICLE IS OVER 3 YEARS OLD)  
FEE

**PLEASE RETURN THE COMPLETED FORM TO:**

Licensing Enforcement Officer  
Selby District Council  
Legal Services  
Civic Centre  
Portholme Road  
Selby  
YO8 4SB  
Telephone: 01757 292027 Fax: 01757 292229

*"Selby District Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within the Council for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes."*

**FOR OFFICIAL USE**

Receipt No: 116212 Amount: £ 157.50 Date: 4.2.11

Licence No: 2609 PHV Plate: 037 Vehicle Regd. No: \_\_\_\_\_

Test Date/Time: \_\_\_\_\_