

## **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 4 April** 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 March 2011 (pages 4 to 9 attached)

**4. Procedure**

To outline the procedure to be followed at the meeting (pages 10 to 11 attached).

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

**6. Licensing Fees**

To receive the report of the Licensing Enforcement Officer (pages 12 to 27 attached).

**7. Application for Street Trading Licence**

To receive the report of the Licensing Enforcement Officer (pages 28 to 32 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 3 of Part 1 of Schedule 12(A) of the Act.**

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

To receive the report of the Licensing Enforcement Officer (pages 33 to 37 attached).

**10. Issue Concerning Behaviour of Licensed Private Hire Driver  
(Deferred from the last meeting on 07.03.11)**

To receive the report of the Licensing Enforcement Officer (pages 38 to 51 attached).

M Connor  
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].**

### **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 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

578	Apologies for Absence and Notice of Substitution
579	Disclosure of Interest
580	Minutes
581	Procedure
582	Chair's Address to the Licensing Committee
583	Discreet Licensing Issue
584	Private Session
585	Private Hire Application and Discreet Licensing Issue
586	Application for a Private Hire Drivers Licence
587	Complaint About Behaviour of Licensed Hackney Carriage Driver
588	Issue Concerning Behaviour of Licensed Hackney Carriage Driver
589	Issue Concerning a Private Hire Driver in Connection with the Conditions of his Private Hire Vehicle
590	Issue Concerning Behaviour of Licensed Private Hire Driver
591	AOB

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**

**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.**

590

### **Issue Concerning Behaviour of Licensed Hackney Carriage Driver**

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

591

### **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.

## **LICENSING COMMITTEE**

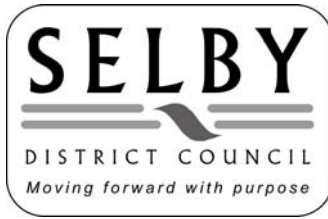
### **PROCEDURES TO BE FOLLOWED**

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:** Licensing fees  
**To:** Licensing Committee  
**Date:** 4<sup>th</sup> April 2011  
**Service Area:** Customer 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 details of an objection received in connection with: the proposed Hackney Carriage/Private Hire fees increase for 2011/2012 and the proposed Hackney Carriage tariff increase for 2011.

### 2. Recommendation(s)

- 2.1 **That Councillors consider the following report in connection with the objection received to increase Hackney Carriage/Private Hire fees and the Hackney Carriage tariffs, in order to: reaffirm or modify the original proposal and set the date upon which they are to take effect.**

### 3. Executive Summary

- 3.1 On the 7<sup>th</sup> February 2011, as a consequence of a review of the Hackney carriage/Private Hire licensing fees and the Hackney Carriage tariffs, the Licensing Committee proposed an increase of 4.6% in the fees and a slight increase in the tariffs. In response a Hackney Carriage proprietor has submitted a written objection to both proposals, which the Council, as a consequence, is required to consider.

#### **4. The Report**

- 4.1 On the 7<sup>th</sup> February 2011 at a meeting of the Licensing Committee, Councillors approved an increase of 4.6% in respect of Hackney Carriage/Private Hire licensing fees. The case papers dealing with this particular issue forms part of the background documents attached to the rear of this report.
- 4.2 At the same meeting, following a Hackney carriage tariff review, Councillors approved a slight increase in Hackney carriage tariffs. The case papers dealing with this particular issue forms part of the background documents attached to the rear of this report.
- 4.3 On the 24<sup>th</sup> February 2011 in accordance with Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 the new fee structure was advertised in the local press and a notice displayed at the offices of the Council giving 28 days within which objections could be made. A copy of this advertisement is attached at the rear of this report.
- 4.4 The consultation period ended on 24<sup>th</sup> March 2011 whereupon any objection being received and not withdrawn is required to be considered by the Local Authority in order to resolve that either the original proposed fees stand or that the fees will in light of the objections be modified.
- 4.5 On the 3<sup>rd</sup> and 10<sup>th</sup> March 2011 in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 the new Hackney Carriage tariff structure was advertised in the local press and a notice displayed at the offices of the Council giving 14 days within which objections could be made. A copy of this advertisement is attached at the rear of this report.
- 4.6 The consultation period ended on 24<sup>th</sup> March 2011 whereupon any objection being received and not withdrawn is required to be considered by the Local Authority in order to resolve that either the original increase in tariffs stand or that the tariffs will in light of the objections be modified.
- 4.7 On the 9<sup>th</sup> of March 2011 in response to this process and therefore within the period specified, an objection was received in the form of a letter from a Hackney Carriage proprietor. This letter forms part of the background documents attached to this report.
- 4.8 It should be noted that both notices specify that objections must be made to the Solicitor to the Council. The objection received was actually addressed to the Chief Executive and could therefore have been rejected. However, in the interests of even-handedness and impartiality the objection was accepted.
- 4.9 The objection to the increase in Hackney Carriage/Private Hire fees is on the following grounds:
  - That they are unlawful due to the fact that they have never previously been advertised

- That they have not been signed by the Chief Executive
- That the issue of discreet licences in respect of the use of Private Hire Vehicles is illegal

4.10 The objection to the Hackney Carriage tariffs is on the following grounds:

- That tariff 5 is illegal as a taxi is hired as a whole and not by seats therefore all taxis must have the same tariff

4.11 In respect of the increase in fees, the first point it is a fact that the Council has always advertised the fees in accordance with the appropriate legislation; to suggest otherwise is an all-founded allegation. Point two is similarly ill-founded as a consequence of the Council's scheme of delegation. Point three which refers to the issue of discreet identification in connection with the use of Private Hire Vehicles is authorised by the Local Government (Miscellaneous Provisions) Act 1976, which the Council has adopted.

4.12 In respect of the increase in tariffs, the point raised in connection with this appears to suggest that the Council has no authority to have a table of fares which caters for increased numbers of passengers. However, tariff are set under the authority of Section 65(1) of the Local Government (Miscellaneous Provisions) Act 1976 which is as follows:

*A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section.*

4.13 Clearly this legislation allows the Council, in common with many other Local Authorities, a degree of flexibility. In addition, it will be seen that there is no reference to seats. As a consequence I cannot see any force in the argument offered by this aspect of the objection.

4.14 The licensing department is unable to establish a coherent argument to support any of the points raised in the letter of objection and therefore concludes that there are no grounds to challenge either an increase in the fees or tariffs.

## **5. Financial Implications**

5.1 There is a financial implication for the Council. The fees and the tariffs require to be advertised at a combined cost of approximately £400. There is budget provision to meet these costs.

## **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** **Impact**

There is a necessity to increase fees and tariffs to pay for the service provided.

## **9 Background Papers**

9.1 Letter of objection

9.2 Licensing Committee report of the 7<sup>th</sup> February 2011 in connection with the Hackney Carriage/Private Hire fees.

9.3 Licensing Committee report of the 7<sup>th</sup> February 2011 in connection with the Hackney Carriage tariffs.

9.4 Public Notice regarding Licensing fee increase advertised 24<sup>th</sup> February 2011.

9.5 Public Notice regarding Hackney Carriage tariff increase advertised 3<sup>rd</sup> March 2011.

9.6 Public Notice regarding Hackney Carriage tariff increase advertised 10<sup>th</sup> March 2011.

*Copy to Caroline Fleming*

**B.C.CABS  
"Sararose"  
Hazel Old Lane  
Hensall  
Near Goole  
Easy Yorkshire  
DN14 0QA**

**9 March 2011**

**M.Connor  
Chief Executive  
Selby District Council  
Portholme Road  
Selby  
North Yorkshire**

**Dear Mr Connor  
Fees and Tariff Increases.**

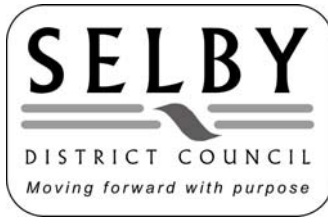
**I wish to object to the increases in both the fees for testing vehicles etc and one part of the new tariff increase.**

**The fees increase is unlawful due to the fact this is the first time I believe they have been advertised in the paper, also you as chief executive must sign documents to do with appearing in newspapers as per the 1972 Local Government Act, plus the illegal activity of issuing discreet licenses for private hire vehicles.**

**Secondly the tariff increase is illegal in respect of tariff 5, a taxi is hired as a whole and not seats therefore all taxis must have the same tariff.**

**Yours faithfully  
*B. Dennis*  
B.Dennis.**





## Public Session

Background paper: 9.2

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**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

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### 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 | <b>Service Improvement</b>        | <b>No 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 **Risk Management** **No Impact**

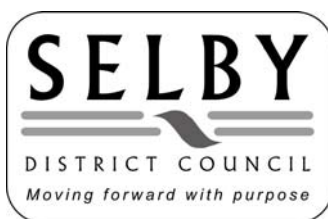
8.6 **Sustainability** **No Impact**

8.7 **Value for Money** **Impact**

There is a necessity to increase fees to pay for the service provided.

**9 Background Papers**

9.1 Schedule of proposed increases to licensing fees.



## Public Session

Background paper: 9.3

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**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

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### 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.

**PUBLIC NOTICE  
LOCAL GOVERNMENT  
(MISCELLANEOUS PROVISIONS) ACT 1976**

Notice is hereby given under Section 70 of the above Act that the Selby District Council proposes to vary the licence fees for Hackney Carriages, Private Hire Vehicles and Private Hire Operators as shown below, from 1<sup>st</sup> April 2011.

	<b>Current Fee</b>	<b>Varied Fee</b>
	<b>£</b>	<b>£</b>
Hackney Carriage	168.50	176.50
Private Hire Vehicles	157.50	165.00
Private Hire Operators		
1 – 4 Vehicles	92.50	97.00
5 - 10 Vehicles	98.50	103.00
More than 10 Vehicles	107.00	112.00

A copy of this Notice is available for inspection at Access Selby, Market Cross Shopping Centre, Selby, YO8 4JS.

Objections to the varied fee must be made in writing to the Solicitor To The Council, Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4SB within 28 days from the date of publication of this Notice.

M A Sacks  
Solicitor To The Council.

17 February 2011.

**PUBLIC NOTICE**  
**SELBY DISTRICT COUNCIL**  
**HACKNEY CARRIAGE FARE STRUCTURE**

Notice is hereby given under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 that the Selby District Council has fixed the fares for Hackney Carriages to come into effect from Monday 4th April 2011.

**CURRENT FARES**

**TARIFF ONE**

DAYTIME 7am – 11pm  
(Monday to Saturday)  
£3.00 for the first 3/4 mile  
£1.50 for every mile thereafter  
(10p for every other 1/15 mile (117 yards))

**TARIFF TWO**

NIGHT TIME 11pm – 7am  
(all day Sunday & Bank Holidays)  
£3.50 for the first 3/4 mile  
£1.70 for every mile thereafter  
(10p for every other 1/17 mile (103 1/2 yards))

**WAITING TIME**

£20.00 per hour (10p every 24 seconds)

**WAITING TIME**

£20.00 per hour (10p every 18 seconds)

**TARIFFS 3 & 4 CHRISTMAS & NEW YEAR**

Double the appropriate tariff  
1800 hours 24 December to 0700 hours 27 December each year and  
1800 hours 31 December to 0700 hours 2 January each year.

**TARIFF 5 (to be used only when carrying 5 or more passengers in a vehicle licensed so to do).**

Day & night time including Sunday & bank Holidays  
£3.50 for the first 1/2 mile  
£2.20 for every mile thereafter. (10p for every 1/22 mile (80yards))

**WAITING TIME**

£20.00 per hour. (10p every 18 seconds)

**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.

**EXTRAS**

<b>CATS &amp; DOGS</b>	Carried at the Driver's discretion 20p
<b>GUIDE DOGS</b>	Free carriage
<b>FOULING CHARGE</b>	£50.00

**NEW FARES**

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Objections to the new fare structure must be made in writing and submitted to the Solicitor To The Council Selby District Council, Civic Centre, Portholme Road, Selby YO8 4SB, within 14 days of publication of this Notice.

M A Sacks  
Solicitor To The Council

24 February 2011.

**PUBLIC NOTICE**  
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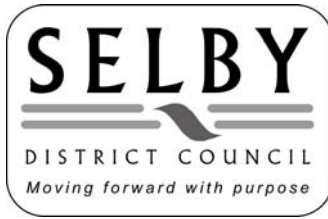
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M A Sacks  
Solicitor To The Council

24 February 2011.



## Public Session

Agenda Item No: 7

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**Title:** Application for Street Trading Licence  
**To:** Licensing Committee  
**Date:** 4<sup>th</sup> April 2011  
**Service Area:** Customers and Business Support  
**Author:** Tim Grogan  
**Presented by:** Tim Grogan

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### 1. Purpose of Report

- 1.1 The purpose of this report is to determine whether to grant an application for a Street Trading Licence to Kenneth Foulkes to enable him to sell hot snacks and drinks in Market Place, Selby from a purpose built catering vehicle better known as a burger van.

### 2. Recommendation(s)

- 2.1 **The Committee decide whether or not to grant Kenneth Foulkes a Street Trading licence to enable him to sell hot snacks and drinks in Market Place, Selby.**

### 3. Executive Summary

- 3.1 On the 10<sup>th</sup> March 2011 Anthony Crombie surrendered his Street Trading Licence to sell hot snacks and drinks in Market Place, Selby. On 10<sup>th</sup> March 2011 Kenneth Foulkes submitted a written application to be granted a Street Trading licence to operate from the same pitch.
- 3.2 Market Place was granted consent street status on 21<sup>st</sup> October 1985 by Selby District Council following its adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

- 3.3 However, in August 2009, following the completion of work to upgrade the area this Committee and the Full Council debated, at four separate meetings, whether Market Place should have its consent street status removed on the grounds that the paving would visibly deteriorate owing to the likelihood of deposits of grease and debris.
- 3.4 Market Place remains a consent street and as a consequence there is an obligation upon the Council to grant this licence. Although this is within the delegated authority of the Licensing Enforcement Officer, in accordance with Section 9.04(g) of the Council's Constitution, he considers the issue is of such unusual circumstance that the matter be more appropriately dealt by this Committee.

#### **4. The Report**

- 4.1 On the 21<sup>st</sup> October 1985 Selby District Council resolved to adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. As a consequence a number of streets within the district were designated as consent streets. This allowed street traders to operate in such streets providing that they were authorised so to do by the Council.
- 4.2 These streets included Market Place, Selby and since this time and in accordance with the legislation the Licensing Department authorised a number of traders to operate in this area.
- 4.3 Until the 28<sup>th</sup> February 2011 the sole trader operating from Market Place, Selby was Anthony Crombie. Essentially he was licensed to trade by selling hot snacks and drinks from a purpose built catering vehicle better known as a burger van.
- 4.4 Between February and August 2009 a renaissance scheme in Selby was undertaken which involved an upgrade of the paving of Market Place. During this period Mr Crombie operated from a different location but resumed his pitch upon completion of the work.
- 4.5 However, the Renaissance Working Group made it clear that as £1.3 million pounds had been used to fund the scheme, much of which had been spent on expensive York stone, it would be inappropriate for a burger van to occupy the area where the likelihood was that the stone would become spoiled by deposits of grease and other debris resulting from the sale of snacks.
- 4.6 For this reason the status of Market Place being authorised as a consent street was considered by the Licensing Committee on 9<sup>th</sup> November 2009 and 12<sup>th</sup> April 2010, by Full Council on 20<sup>th</sup> April 2010 and finally by the Licensing Committee on the 10<sup>th</sup> May 2010 where Councillors ultimately made the decision to retain Market Place as a consent street.

- 4.7 At the Licensing Committee on the 10<sup>th</sup> May 2011 it is pertinent to report that legal advice was provided which is available for reference if required.
- 4.8 However, some Councillors did express the view that should any fresh applications be made to operate a burger van from the Market Place that the matter should be re-examined.
- 4.9 Mr Foulkes intends to operate a trailer unit rather than a tractor unit, which is used merely to install and remove his conveyance. It should be noted that Mr Foulkes currently operates a similar business from the Market Place on market days which is allowed under separate legislation. This he has undertaken without issue.
- 4.10 Highways and the Police have responded with no objections. In addition, Selby Town Council has contacted the Licensing Department offering support for the application.
- 4.11 However, owing to the concerns expressed by the Renaissance Group of the Council, the views expressed by some Councillors and the fact that this issue involves unusual complexities it is considered that the grant of such a licence be more appropriately dealt by this Committee.

## **5. Financial Implications**

- 5.1 The fee for this authorisation is £1,215.50 per year, which would be lost to the Council should this licence not be granted.

## **6. Link to Corporate Plan**

- 6.1 The additional safeguards proposed in this report will help support the Council's strategic theme of putting customers first.

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

- 7.0 This report will contribute towards acknowledging the priority of safer communities.

## **8 Impact on Corporate Policies**

- |     |   |                  |
|-----|---|------------------|
| 8.1 | <b>Service Improvement</b>  | <b>No Impact</b> |
| 8.2 | <b>Equalities</b>   | <b>No Impact</b> |
| 8.3 | <b>Community Safety and Crime</b><br>Provision of late night refreshment lessens the impact of the consumption of alcohol | <b>Impact</b>    |

- |     |                        |                  |
|-----|------------------------|------------------|
| 8.4 | <b>Procurement</b>     | <b>No Impact</b> |
| 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> | <b>No Impact</b> |

## 9 **Background Papers**

- 9.1 Copy of the letter of application from Mr Foulkes.
- 9.2 Copies of the Licensing Committee and Full Council reports and minutes heard on 9<sup>th</sup> November 2009, 12<sup>th</sup> April 2010, 20<sup>th</sup> April 2010 and 10<sup>th</sup> May 2010 are available in the Legal Department.

Mr Kenneth Foulkes  
Coates Hall Farm  
Hirst Road  
Carlton  
Nr Goole  
Nth Yorkshire  
DN14 9PX  
10<sup>th</sup> March 2011

To Mr Tim Growgan

I am applying to obtain the pitch after speaking to Mr T Growgan on the telephone today when he informed me that it needed to be applied for in writing to go before the committee on the 4<sup>th</sup> April.

I am a local run family catering business and already stand on Selby Market on a Monday on the front, market cross. I am a friend of Tony who stands in the same place as me on a night. I have been speaking to Tony and he has told me he has given up the pitch. I am interested in taking over the pitch. My unit is clean and tidy twin axle trailer. It has been checked by Mr M Edgell Senior Environmental Health Officer. Has all relevant checks and food standard agency book all up to date. You are welcome to view my trailer at any time.

Yours Thankfully  
Mr Kenneth Foulkes  
K&S Events Catering

