

Selby District Council



Agenda

Meeting: **LICENSING COMMITTEE**
Date: **6 JUNE 2011**
Time: **10.00AM**
Venue: **COMMITTEE ROOM 2**
To: **Councillor Mrs S Duckett, Councillor K Ellis, Councillor Mrs P Mackay, Councillor Mrs C Mackman, Councillor Marshall, Councillor Mrs K McSherry, Councillor Mrs S Ryder, Councillor Mrs Sayner, Councillor R Sweeting and Councillor J Thurlow**

1. Apologies for absence

2. Disclosures of Interest

Members of the Executive should disclose personal or prejudicial interest(s) in any item on this agenda.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on (pages 3 to 6 attached).

4. Procedure

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

5. Chair's Address to the Licensing Committee

6. Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 7 of Part 1 of Schedule 12(A) of the Act.

7. Application for Street Trading Licence

To receive the report of the Licensing Enforcement Officer (pages 9 to 15).

8. Application for a Private Hire Driver's Licence

To receive the report of the Licensing Enforcement Officer (pages 16 to 30).

9. Application for a Hackney Carriage Licence

To receive the report of the Licensing Enforcement Officer (pages 31 to 49).

**M Connor
Chief Executive**

Dates of next meetings
4 July 2011
5 September 2011
10 October 2011
7 November 2011
5 December 2011

Enquiries relating to this agenda, please contact Karen Mann on:
Tel: 01757 292207
Fax: 01757 292020
Email: kmann@selby.gov.uk

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on Monday 4 April 2011, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

MINUTES

654	Apologies for Absence and Notice of Substitution
655	Disclosure of Interest
656	Minutes
657	Procedure
658	Chair's Address to the Licensing Committee
659	Licensing Fees
660	Application for Street Trading Licence
661	Private Session
662	Issue Concerning Behaviour of Licensed Private Hire Driver
663	Issue Concerning Behaviour of Licensed Private Hire Driver

Present: Councillor R Sayner in the Chair

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

Officials: Licensing Enforcement Officer, Senior Solicitor and Democratic Services Officer

Public: 5

654 **Apologies for Absence and Substitution**

Apologies were received from Councillor B Marshall.

Substitute Councillors were Mrs D Davies (*for B Marshall*)

655 **Disclosure of Interest**

Councillor Mrs P Mackay declared a Personal Interest in Item 9 (Issue Concerning behaviour of Licensed Private Hire Driver) as she knew the family of the private hire driver.

Councillor Mrs S Duckett declared a personal interest in Item 10 (Issue Concerning behaviour of Licensed Private Hire Driver) as she knew the private hire driver.

656 **Minutes**

Resolved:

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

657

Procedure

The Procedure was noted.

658

Chair's Address to the Licensing Committee

The Chair gave no address.

659

Licensing Fees

Councillors received the report of the Licensing Enforcement Officer which informed the Licensing Committee of an objection received in connection with: the proposed Hackney Carriage/Private Hire fees increase for 2011/12 and the proposed Hackney Carriage tariff increase 2011.

The Councillors considered the report in connection with the objection received in order to reaffirm or modify the original proposal and set the date upon which they are to take effect.

Resolved: That;

- i) The Licensing Committee reaffirmed the original proposal to the fee increase;**
- ii) The fee increase is effective immediately.**

At 10.07am Councillor Mrs R Sayner left the meeting and Councillor Mrs D White (Vice Chair) took the Chair.

660

Application for Street Trading Licence

Councillors received the report of the Licensing Enforcement Officer seeking a decision 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.

Resolved:

That the Licensing Committee grant Kenneth Foulkes a Street Trading Licence to enable him to sell hot snacks and drinks in Market Place, Selby.

661 **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.

662 **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. The Licensing Enforcement Officer had also been handed two letters by the Driver which he read out to the Licensing Committee.

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

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

Councillor Mrs P Mackay abstained from voting.

Resolved:

That the driver be issued with a final written warning, for a period of 12 months.

At 11.15am the meeting adjourned for 5 minutes.

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

Councillor Mrs S Duckett left the meeting.

Councillors received the report of the Licensing Enforcement Officer seeking a decision from the Licensing Committee regarding a licensed Hackney Carriage Driver.

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 and circulated documents to Committee Members.

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

Resolved: That;

- i) The driver be issued with a written warning, for a period of 12 months**
- ii) The Licensing Committee suggested a written apology be sent to the complainant with regard to the comments reported in the Selby Times.**

The meeting closed at 12.27pm.

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.