

## Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **4 JULY 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 Sayner, Councillor R Sweeting and Councillor J Thurlow**

### **1. Apologies for absence**

### **2. Disclosures of Interest**

Members of the Committee 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 6 June 2011 (pages 3 to 5 attached).

### **4. Procedure**

To outline the procedure to be followed at the meeting (Pages 6 to 7 attached)

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

### **6. Application for a Private Hire Driver's Licence**

To receive the report of the Licensing Enforcement Officer L/11/4 (pages 8 to 16 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 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.**

**8. Issue concerning the behaviour of a Licensed Private Hire Driver**

To receive the report of the Licensing Enforcement Officer L/11/5 (pages 17 to 22 attached)

**9. Application for a Hackney Carriage Licence**

To receive the report of the Licensing Enforcement Officer L/11/6 (pages 23 to 45 attached)

**Martin Connor  
Chief Executive**

<b>Dates of next meetings</b>
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](mailto:kmann@selby.gov.uk)

# Minutes

## Licensing Committee

- Venue: Committee Room 2
- Date: 6 June 2011
- Present: Councillors R Sayner, Mrs D Davies (substitute for B Marshall), Mrs S Duckett, K Ellis, Mrs P Mackay, Mrs C Mackman, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow.
- Apologies for Absence: Councillor B Marshall (substitute Councillor Mrs K McSherry)
- Officers Present: Caroline Fleming - Senior Solicitor, Kelly Hamblin - Solicitor, Tim Grogan – Licensing Enforcement Officer, Karen Mann – Democratic Service Officer

### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **2. MINUTES**

#### **Resolved:**

**To receive and approve the minutes of the Licensing Committee held on 4 April 2011 and they are signed by the Chair.**

### **3. PROCEDURE**

The Procedure was noted.

### **4. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

The Chair welcomed new and returning members. It was agreed that the meetings would continue to commence at 10.00am on a Monday.

The Chair expressed her thoughts that the Licensing Training had been very worthwhile and perhaps further training could be undertaken on the Gambling Act.

## **5. 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.**

## **6. APPLICATION FOR PRIVATE HIRE DRIVER'S LICENCE**

**Report L11/2** informed the Licensing Committee of an application to be issued with a Private Hire Driver's Licence. The applicant was in attendance to apply for a Private Hire Driver's Licence.

The Licensing Officer outlined details of the case.

Councillors were given the opportunity to question the applicant in connection with his application and then the Committee considered their decision.

### **RESOLVED:**

- i) To receive and note Report L11/2**
- ii) To refuse, after hearing the facts, the application for a Private Hire Driver's Licence.**

## **7. APPLICATION FOR A HACKNEY CARRIAGE LICENCE**

**Report L11/3** considers whether an application for a Hackney Carriage Licence be granted. The applicant was in attendance to apply for a Hackney Carriage Licence.

The Licensing Officer outlined details of the case.

Councillors were given the opportunity to question the applicant about his application and then the Committee considered their decision.

### **RESOLVED:**

- i) To receive and note the report L11/3**
- ii) To approve the application for a Hackney Carriage Licence**

## **8. APPLICATION FOR STREET TRADING LICENCE**

**Report L11/1** considers whether an application for a Street Trading Licence be granted. The applicant was in attendance to apply for a Street Trading Licence.

The Licensing Officer outlined details of the case.

The applicant informed the Committee that the Street Trading Licence would enable him to store clothes belonging to individuals visiting the town to enjoy the benefits of the night-time economy in Market Place, Selby using a Ford Transit motor vehicle.

Councillors were given the opportunity to question the applicant about his application and then the Committee considered their decision.

**RESOLVED:**

- i) To receive and note the report L11/1**
- ii) To approve the application for a Street Trading Licence; and**
- iii) That the Licensing Enforcement Officer agree to the location of the Ford Transit Van on the Market Place.**

The meeting closed at 11.32am.

## **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

Report Reference Number L/11/4

Agenda Item No: 6

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**To: Licensing Committee**

**Date: 4 July 2011**

**Author: Tim Grogan**

**Lead Officer: Tim Grogan**

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### Summary:

John Kenneth Arran has applied for a Private Hire Vehicle Licence in respect of a Mercedes Viano Ambiente motor vehicle and requests that the licence be discreet in manner.

### Recommendation:

**That Councillors consider, after hearing the facts, whether or not the applicant is issued with a Private Hire Vehicle Licence, which is discreet in manner.**

#### 1. Introduction and background

- 1.1 To bring to the attention of the Committee, the applicant's desire to be issued with a Private Hire Vehicle Licence, which is discreet in manner.

#### 2. The Report

- 2.1 On 8<sup>th</sup> June 2011 John Kenneth Arran applied to Selby District Council for a Private Hire Vehicle Licence in respect of a Mercedes Viano Ambiente 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 a vehicle not displaying a 'plate'.
- 2.2 His company is to be called 'Chauffeur Time', catering for an upmarket clientele. The application is supported by three prospective business customers who have confirmed this information in writing.
- 2.3 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.



- 2.4 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on six previous occasions.
- 2.5 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.
- 2.6 A copy of Mr Arran's application letter is attached together with the three letters from his prospective business customers.

### **3. Legal/Financial Controls and other Policy matters**

#### **3.1 Legal Issues**

The legal issues surrounding this matter are contained within the body of the report.

#### **4. Financial Issues**

There are no financial implications.

#### **5. Conclusion**

That Councillors determine the application.

#### **6. Background Documents**

There are no background documents

**Contact Officer: Tim Grogan: [tgrogan@selby.gov.uk](mailto:tgrogan@selby.gov.uk)**

#### **Appendices:**

- (i) Application for grant of a Private Hire Vehicle Licence by John Kenneth Arran
- (ii) A copy of Section 48(5) of the Local Government Act (Miscellaneous Provisions) Act 1976 is available in the Legal Services section.
- (iii) Letter from John Kenneth Arran
- (iv) Letter of support from Andrea Pendlebury of Croda
- (v) Letter of support from Tracy MacDonald of the Upton Group
- (vi) Letter of support from John Black of Environmental Absorbents
- (vii) Copy of disc



2 weeks before 4/7/11



Selby District Council  
Please read carefully before completing

Requisition 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: ARRAN  
Forename(s): JOHN KENNETH  
Address: ORCHARD LODGE  
HIRST RD. CHAPEL HAMBLESEY  
SELBY  
Post Code: YO8 8QQ  
Tel No: 01757 270 483  
Mobile: 07764 151 866

Details of vehicle  
Plate number: KV56 ZSR  
Registration no: KV56 ZSR  
Make: MERCEDES  
Model: VIANO AMBIENTE  
Colour: SILVER  
Date first registered: 20-09-2006  
No. of passengers: 6  
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: N/A  
b) Date of issue: N/A

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

Name and address of Private Hire Operator by whom you would be employed:  
CHAUFFEUR TIME  
ORCHARD LODGE, HIRST RD., CHAPEL HAMBLESEY, SELBY, YO8 8QQ.

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 £ 165 - + plates £23 being payable in respect of this application, and any other documentation requested.

Signed:

Date: 8/6/11

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: LL6399 Amount: £ 203.50 Date: 9.6.11  
Licence No: \_\_\_\_\_ PHV Plate: \_\_\_\_\_ Vehicle Regd. No: \_\_\_\_\_  
Test Date/Time: \_\_\_\_\_

*Window Taxation Disc  
£15.50*



Chauffeur Time  
Hirst Road  
Chapel Haddlesey  
Selby  
YO8 8QQ

4<sup>th</sup> May 2011

To Whom This May Concern

Dear Sirs

Letter of Reference for Discreet Chauffeur Services

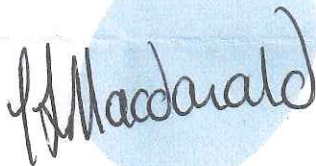
We acknowledge that we have a requirement for a discreet and professional Chauffeur Service which we would in principle be please to appoint Chauffeur Time's services to provide the highest standard on condition they remain commercially competitive.

For this service we expect Chauffeur Time vehicles to protect our brand and not display external signage thus demonstrating a special service to our company's representatives, Executives and guests.

While providing this service we will also expect them to operate within the relevant legislation; be courteous, well presented and assist in all their capacity as private chauffeurs.

We trust you find this satisfactory.

Yours faithfully



Mrs Tracy Macdonald  
Director

Vending House, The Vivars,  
Selby, North Yorkshire YO8 8BE  
t 01757 291515 f 01757 294600  
e info@theuptongroup.co.uk

[www.theuptongroup.co.uk](http://www.theuptongroup.co.uk)

Chauffeur Time  
Hirst Road  
Chapel Haddlesey  
Selby  
YO8 8QQ

4<sup>th</sup> May 2011

## To Whom This May Concern

Dear Sirs

### **Letter of Reference for Discreet Chauffeur Services**

With reference to the above we acknowledge that we would from time to time request Chauffeur Time to provide a discreet and professional Chauffeur Service of the highest standard if competitive within the market place. This shall be free of external signage denoting the vehicle as a private hire vehicle, so protecting the integrity of our company and its brand.

The service is for our company representatives, VIP's and Executives and thus it will be expected that Chauffeur Time shall at all times operate in accordance with current legislation. They shall also be polite, smart and include door opening and luggage carrying in luxury in their service provision accordingly. In addition we understand that added value of laptop support, refreshments and light reading material on route will be offered as and when required.

We trust this meets with your requirements.

Yours faithfully



Andrea Pendlebury  
Directors Assistant

Chauffeur Time  
Hirst Road  
Chapel Haddlesey  
Selby  
YO8 8QQ

3<sup>rd</sup> May 2011

To Whom This May Concern

Dear Sirs

**Letter of Reference for Discreet Chauffeur Services**

With reference to the above we acknowledge that we would from time to time request Chauffeur Time to provide a discreet and professional Chauffeur Service of the highest standard. This shall be free of external signage denoting the vehicle as a private hire vehicle, so protecting the integrity of our company and its brand.

The service is for our company representatives, VIP's and Executives and thus it will be expected that Chauffeur Time shall at all times operate in accordance with current legislation. They shall also be polite, smart and include door opening and luggage carrying in their service provision and, at times, carry up to 6 people in luxury accordingly.

We trust this meets with your requirements.

Yours faithfully



*John A Black*  
Company owner

Manor Farm, Hutton Conyers, Ripon, North Yorkshire, HG4 5DX

M: 07768 725735 \* T: 01765 605046 \* F: 01765 501050 \* E: info@isol8.co.uk \* www.isol8.co.uk



## John & Dawn Arran

Orchard Lodge, Hirst Road, Chapel Haddlesey, Selby, YO8 8QQ  
Tel: 01757 270483 Mob: 07764 151 866/5 Email: john.arran1@btinternet.com

8<sup>th</sup> June 2011

Mr. T. Grogan  
Enforcement Officer – Licensing  
Legal Services  
Civic Centre  
Portholme Road  
Selby  
YO8 4SB

Dear Mr. Grogan,

**Application for a Discreet Licence Plate Private Hire Vehicle**  
**Mercedes Viano Ambiente KV56 ZSR**

With reference to the above my wife and I wish to run a chauffeuring business called Chauffeur Time. This is due to the work we have been promised to us and we have enclosed three letters of reference demonstrating this. In addition we have other outlets with weddings and corporate event days to satisfy; our service will be charged at a premium.

Typically we will run high end Mercedes cars or similar and have already invested in a top of the range Mercedes Viano Ambiente which is demanded by the corporate fraternity; we are also currently looking at a similar specification E-Class Mercedes for our other vehicle. These cars will cover the service we wish to offer for the foreseeable future. Ideally we would have preferred to start with the E-Class but Viano's are hard to find and therefore had to buy it when available.

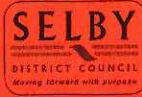
We have attached a sample of how we intend to market our business which demonstrates our intentions clearly and trust you will find it informative.

We look forward to hearing from you, please do not hesitate to contact us for any reason.

Yours sincerely,



**John & Dawn Arran**



**SELBY DISTRICT COUNCIL  
Licensed Private Hire Vehicle**

PHV .....

Vehicle Registration No .....

Make ..... Colour .....

Licence Expires .....

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All enquires in respect of this licence  
should be addressed to the Licensing  
Department at Selby District Council,  
Portholme Road,  
Selby YO8 4SB