



Agenda

Meeting: **LICENSING COMMITTEE**
Date: **10 OCTOBER 2011**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillor Mrs S Duckett, Councillor K Ellis, Councillor Mrs P Mackay, Councillor Mrs C Mackman, Councillor B Marshall, Councillor Mrs K McSherry, Councillor Mrs S Ryder, Councillor R 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 5 September 2011 (pages 3 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. Application for a Private Hire Vehicle Licence

To receive the report of the Licensing Enforcement Officer L/11/13 (pages 9 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. Application for a Private Hire Driver Licence

To receive the report of the Licensing Enforcement Officer L/11/12
(pages 17 to 28 attached)

9. Application for a Private Hire Driver Licence

To receive the report of the Licensing Enforcement Officer L/11/14
(pages 29 to 45 attached)

Jonathan Lund
Deputy Chief Executive

Dates of next meetings
7 November 2011
5 December 2011
9 January 2012
6 February 2012
5 March 2012

Enquiries relating to this agenda, please contact Karen Mann on:
Tel: 01757 292207
Fax: 01757 292020
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Minutes

Licensing Committee

Venue:	Committee Room
Date:	5 September 2011
Present:	Councillors Mrs S Duckett, K Ellis, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sayner, R Sweeting and J Thurlow.
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Simon Scarrott – Senior Enforcement Officer, Karen Mann – Democratic Service Officer

17. APOLOGIES FOR ABSENCE

None.

18. DECLARATIONS OF INTEREST

Councillor Ellis declared a personal interest with regard to Item 11 on the agenda as the applicant is known to the Councillor and he has had business dealings with the applicant previously.

19. MINUTES

Resolved:

To receive the minutes held on 4 July 2011 of the Licensing Committee, for approval and once an amendment to the declarations of interest – “that Councillor Sayner is a relative of a Director of a company listed in the referee appendices”, that they be approved and signed by the Chair.

20. PROCEDURE

The Procedure was noted.

21. GUIDELINES FOR LICENSING COMMITTEE TO CONSIDER ASSESSING FINANCIAL HARDSHIP

The Guidelines were noted.

22. GUIDELINES FOR RELATING TO THE RELEVANCE OF CONVICTIONS

The Guidelines were noted.

23. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair welcomed the members to the meeting and reminded councillors of the procedure in questioning the applicants.

24. 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.

25. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Report L/11/7 considered 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. The applicant presented his 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 L/11/7; and**
- ii) To APPROVE the application for a Hackney Carriage Licence**

26. ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED PRIVATE HIRE DRIVER

Report L/11/8 requested that councillors consider whether the applicant is a fit and proper person, which is a requirement to be licensed and drive a Private Hire Vehicle. The applicant was in attendance.

The Licensing Officer outlined details of the case.

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

RESOLVED:

- i) To receive and note the report L/11/8; and
- ii) To take no further action against the applicant

27. ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED PRIVATE HIRE DRIVER

Report L/11/9 requested that councillors consider whether the applicants conduct is acceptable. The applicant was in attendance.

The Licensing Officer outlined details of the case. The applicant outlined his 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 L/11/9; and
- ii) To take no further action against the applicant

28. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

Report L/11/10 requested that Councillors consider 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. The applicant has a further two licensed vehicles and the Hackney Carriage License, if approved, will add to his fleet of vehicles.

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 the report L/11/10; and
- ii) To REFUSE the application for a Hackney Carriage Licence as it does not comply with Council Policy.

29. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

Report L/11/11 requested that Councillors consider whether an application for a Private Hire Driver's Licence be granted. 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 the report L/11/11; and**
- ii) To APPROVE the application for a Private Hire Driver's License**

30. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The applicant was not in attendance therefore Councillors suggested deferring this item until 10 October 2011.

Councillors discussed the medical record submitted and it was agreed that the Senior Enforcement Officer would write to the applicant to ask him to provide a medical report from his personal doctor prior to the next meeting.

RESOLVED:

- i) To defer the application for a Private Hire Drivers Licence to the next meeting**

Councillors discussed updating the Council Policy with regard to Hackney Carriages accessible to the disabled and saloon cars. The Senior Enforcement Officer was requested to submit a report.

The Senior Enforcement Officer was also requested to inform all new drivers of their responsibilities and that they must not smoke in licensed vehicles as they are a place of work.

The meeting closed at 11.35am.

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.



Report Reference Number L/11/13

Agenda Item No: 6

To: Licensing Committee
Date: 10 October 2011
Author: Tim Grogan - Senior Enforcement Officer
Lead Officer: Tim Grogan - Senior Enforcement Officer

Summary:

Christopher Douglass has applied for a Private Hire Vehicle Licence in respect of a BMW 320D saloon motor vehicle and requests that the licence be discreet in manner.

Recommendation:

That Councillors approve the issue of a Private Hire Vehicle licence in the form of a disc identifying a BMW 320D saloon motor vehicle as a Private Hire Vehicle

1. Introduction and background

1.1 To bring to the attention of the Committee, an application by Christopher Douglass for the grant of a Private Hire Vehicle Licence for a BMW 320D saloon car, which is discreet in manner.

2. The Report

2.1 On the 9th August 2011, Christopher Douglass applied to Selby District Council for a Private Hire Vehicle licence in respect of a BMW 320D saloon 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'.

2.2 Three prospective business customers support this application and confirm 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 seven 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 Douglass's application 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.

3.2 Financial Issues

There are no financial implications.

4. Conclusion

That Councillors determine the application.

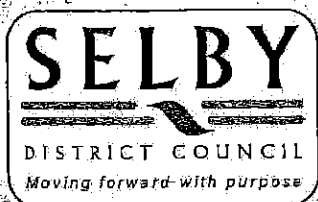
5. Background Documents

There are no background documents

Contact Officer: Tim Grogan: tgrogan@selby.gov.uk

Appendices:

- (i) Application for grant of a Private Hire Vehicle Licence by Christopher Douglass
- (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 of support from John Luke of IDEX Laboratories
- (iv) Letter of support from Mrs Green of Commercial Services Ltd
- (v) Letter of support from Megan Griffiths of Molson Coors Brewing Company
- (vi) Copy of disc



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 <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Surname: DOUGLIASS Forename(s): CHRISTOPHER Address: [Handwritten] Post Code: [Handwritten] Tel No: [Handwritten] Mobile: [Handwritten]	Details of vehicle Plate number: [Handwritten] Registration no: NY04 DMU Make: B.M.W Model: 320D SALOON Colour: DARK BLUE Date first registered: 14-6-2004 No. of passengers: 4 Meter make/model: [Handwritten] 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: JAN 07	Is the vehicle wheelchair accessible? * YES/NO If so, was it purpose built/converted (when and by whom) [Handwritten]

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

[Handwritten]

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 £ 165.00 + plates held £30.00 or Sticky £23.00 + £15.50 discount being payable in respect of this application, and any other documentation requested.

Signed: [Signature] Date: 9-8-2011

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.

* Delete as appropriate

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:

**Business Administration
Selby District Council
Civic Centre
Doncaster Road
SELBY
YO8 9ET**

How we collect and use information

We will use the information you provide in connection with any lawful activity of the Council. We have a duty to protect public funds that we administer, so we may also use information held about you for the prevention and detection of fraud. We may check information you have provided, or information about you that someone else has provided, with other information held by us.

We may also get information about you from certain third parties, or give them information to:

- Make sure the information is accurate;
- Prevent or detect crime; and
- Protect public funds

These third parties include Government Departments and other Local Authorities. We may also provide information for data matching exercises with the Audit Commission, the Department for Work and Pensions and credit reference agencies as the law allows.

We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to. We, Selby District Council, are the data controller for the purposes of the Data Protection Act. If you want to know more about what information we have about you, or the way we use that information, please ask us.

FOR OFFICIAL USE

Receipt No: _____ Amount: £ 165.00 Date: _____

Licence No: _____ PHV Plate: _____ Vehicle Regd. No: _____

Test Date/Time: _____



MOLSON Coors

Molson Coors Brewing Company (UK)
Ltd

Tower Brewery
Station Road
Tadcaster
North Yorkshire
LS24 9JR

Telephone +44 (0) 1937 832361
Fax +44 (0) 1937 832324



Mr C Douglass



Thursday 23rd June 2011

Dear Mr Douglass,

As our preferred supplier for local transport requirements, we would like to request a more specific service.



We often have senior executive level guests on site, as well as colleagues from overseas. We would like a vehicle with discreet plates to be available to transport these important guests. Please confirm to us that this will be possible.



With thanks for your attention,

Yours sincerely,



Megan Griffiths
Business Support Manager
Molson Coors Brewing Company





Grange House
Sandbeck Way
Wetherby
West Yorkshire
LS22 7DN
Tel: 01937 544000
Fax: 01937 544001

Dougies Door to Door

20TH June 2011

Chris Douglas from Dougies Door to Door carries out work on behalf of Idexx Laboratories Ltd.

He makes regular trips to and from Manchester airport with our Senior Management who due to their positions in the company prefer to travel in a car rather than a Mini bus.

Kind regards

John Luke
Regional Manager



Also at Milton Court • Churchfield Road • Chalfont St Peter • Bucks • SL9 9EW
Telephone (01753 891660) • Fax (01753 891520)
Company No. 2454226



Commercial Services(Tadcaster)Ltd
Station Industrial Estate
Tadcaster
LS24 9SG

Tel: 01937 833883
Fax: 01937 833588

To Whom it May Concern

21st June 2011

Dear Sir/Madam

Our company often have the need to arrange a taxi, on these occasions we hire the services of Chris Douglas. We would find it beneficial if he was able to offer a vehicle with a discreet taxi plate.

Yours faithfully

J/M Green(Mrs)



SELBY DISTRICT COUNCIL
Licensed Private Hire Vehicle

PHV

Vehicle Registration No

Make Colour

Licence Expires

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