

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **7 NOVEMBER 2011**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
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 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 10 October 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. 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 a Private Hire Driver Licence

To receive the report of the Licensing Enforcement Officer L/11/14
(pages 8 to 24 attached)

Jonathan Lund
Deputy Chief Executive

Dates of next meetings
5 December 2011
9 January 2012
6 February 2012
5 March 2012
14 May 2012

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Minutes

Licensing Committee

Venue:	Committee Room
Date:	10 October 2011
Present:	Councillors Mrs S Duckett, Councillors K Ellis, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, D Peart, (substitute Mrs S Ryder) R Sayner(Chair) and R Sweeting.
Apologies for Absence:	Councillor Mrs S Ryder (substitute D Peart)
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Simon Scarrott – Senior Enforcement Officer, Karen Mann – Democratic Service Officer

31. DECLARATIONS OF INTEREST

Councillor Mackay declared a personal and prejudicial interest with regard to item 6 of the agenda as the applicant is a personal friend. Councillor Sweeting declared a personal and prejudicial interest as he had previously given a reference on behalf of the applicant for item 6.

32. MINUTES

Resolved:

To receive and approve the minutes of the Licensing Committee held on 5 September 2011 and they are signed by the Chair.

33. PROCEDURE

The Procedure was noted.

34. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair informed the committee that there had not been a meeting scheduled for April 2012 and that with their agreement a meeting would be arranged for Monday 2 April 2012. All committee members agreed with this date and asked that it be added to the schedule.

35. APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE

Having declared a personal and prejudicial interest Councillors P Mackay and R Sweeting left the meeting.

Report L11/13 considered whether an application for a discreet Private Hire Vehicle Licence be granted.

The applicant was in attendance and the Senior Enforcement 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 L11/13**
- ii) To APPROVE the application for a Discreet Private Hire Vehicle Licence in respect of a BMW 320D saloon car**

Councillors P Mackay and R Sweeting returned to the meeting.

36. 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.

37. APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

Report L11/12 considered whether the application for a Private Hire Driver's Licence be granted.

The applicant and an accompanying friend were in attendance and the Senior Enforcement Officer outlined the details of the case.

The applicant gave details as to why he wished to be granted a licence and expanded upon the information in the application.

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

RESOLVED:

- i) To receive and note the report L11/112**

- ii) **To REFUSE the application due the applicant not being a fit and proper person on the basis of the information provided to the Committee**

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

Report L11/14 considered whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence.

The applicant, employer and employer's father were in attendance and the Senior Enforcement Officer outlined the details of the case.

The applicant outlined the details of his case and why he believed he should be allowed to operate on behalf of the Council.

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

RESOLVED:

- i) **To receive and note the report L11/14**
- ii) **To DEFER the application to the 7 November Licensing Committee meeting with a view to seeking outstanding information from North Yorkshire County Council.**

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.