

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **5 DECEMBER 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 7 November 2011 (pages 3 to 4 attached).

4. Procedure

To outline the procedure to be followed at the meeting (Pages 5 to 6 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 License

To receive the report of the Licensing Enforcement Officer L/11/14 (pages 7 to 23 attached)

8. Application for a Private Hire Driver License

To receive the report of the Licensing Enforcement Officer L/11/15
(pages 24 to 37 attached)

Jonathan Lund
Deputy Chief Executive

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

Enquiries relating to this agenda, please contact Karen Mann on:

Tel: 01757 292207

Fax: 01757 292020

Email: kmann@selby.gov.uk

Minutes

Licensing Committee

Venue:	Committee Room
Date:	7 November 2011
Present:	Councillors R Sayner, Mrs S Duckett, K Ellis, Mrs C Mackman, B Marshall, Mrs P Mackay, R Sweeting and J Thurlow.
Apologies for Absence:	Councillors Mrs S Ryder, Mrs K McSherry
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Simon Scarrott, Senior Enforcement Officer, Karen Mann – Democratic Service Officer

39. DECLARATIONS OF INTEREST

None.

40. MINUTES

Resolved:

To receive and approve the minutes of the Licensing Committee, once an amendment to the apologies is made, held on 10 October 2011 and they are signed by the Chair.

41. PROCEDURE

The Procedure was noted.

42. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The chair asked Tim Grogan if all new Private Hire Drivers working for Selby District Council are made to understand that they cannot smoke in the vehicles as this is their place of work. Tim Grogan confirmed this is conveyed to new drivers.

43. 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.

44. APPLICATION FOR A PRIVATE HIRE DRIVER LICENCE REPORT L11/14

The applicant did not appear or give a reasons for his absence.

The Senior Enforcement Officer updated the committee that no further information had been received from North Yorkshire County Council or the applicant. The applicant had not arrived to attend the meeting and the Senior Enforcement Officer had been led to believe that he would not be in attendance.

The Senior Enforcement Officer also updated that he had emailed North Yorkshire Police requesting any information they held regarding the driver. He received certain information that North Yorkshire Police held but they were refusing to allow its use until it had been processed by their Disclosure Unit. The Officer informed the meeting that he expected to receive a response within 10 working days.

The Solicitor to Selby District Council had contacted North Yorkshire County Council explaining that further information was needed for the meeting. However, at this point in time nothing had been received.

The meeting was informed that Councillors had referred the matter to Legal Services, North Yorkshire County Council and Legal Services had promised to send information for today's meeting but nothing had arrived.

RESOLVED:

- i) To receive and note Report L11/14**
- ii) To DEFER the application until further information is received and to continue with the suspension of the applicants licence.**

The meeting closed at 10.25am.

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.