

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **16 JANUARY 2012**
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 5 December 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. Licensing Fees

To receive the report of the Senior Enforcement Officer L/11/ 17 (pages 8 to 13 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 Senior Enforcement Officer L/11/14 (pages 14 to 45 attached)

9. Issue concerning the behaviour of a Licensed Private Hire Driver

To receive the report of the Senior Enforcement Officer L/11/16 (pages 46 to 48 attached)

Jonathan Lund
Deputy Chief Executive

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

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

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Minutes

Licensing Committee

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

45. DECLARATIONS OF INTEREST

None.

46. MINUTES

Resolved:

To receive and approve the minutes of the Licensing Committee held on 7 November 2011 and they be signed by the Chair.

47. PROCEDURE

The Procedure was noted.

48. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair reminded the Committee that the meeting, due to be held on the 9 January 2012, had been rescheduled to the 16 January.

The Chair wished the Committee a Merry Christmas and Happy New Year.

49. 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.

50. APPLICATION FOR A PRIVATE HIRE DRIVER LICENCE

Report L/11/14 considered whether an application for a Private Hire Driver Licence be granted.

The applicant had given his apologies as he could not attend the meeting. He had handed over a letter for the Chair to read to the Committee. The Senior Enforcement Officer outlined details of the case.

A letter had been received from North Yorkshire County Council (NYCC) and North Yorkshire Police (NYP) but the information in both letters only referred to allegations and provided no specific details in relation to those allegations. The Committee felt both NYCC and NYP had been uncooperative and a letter should be sent from the Chair to both organisations requesting specific details of the allegations so the committee can consider the application.

RESOLVED:

- i) To receive and note Report L/11/14**
- ii) To DEFER the application until the meeting of the 16 January 2012**
- iii) That the Chair of the committee is to write a strongly worded letter to North Yorkshire Police and North Yorkshire County Council requesting full disclosure of information**
- iv) The applicant is made aware of the reasons for deferment and is asked to contact North Yorkshire County Council to request that they give Selby District Council full and specific details of the allegations**

51. APPLICATION FOR A PRIVATE HIRE DRIVER LICENCE

Report L/11/15 informed the Licensing Committee of an application for a Private Hire Driver Licence to be considered however the CRB check had raised concerns. The committee would need to consider if the applicant was a 'fit and proper' person.

The applicant was in attendance and the Senior Enforcement Officer outlined details of the case.

The applicant presented his case and the councillors were given the opportunity to question the applicant.

RESOLVED:

- i) To receive and note the report L/11/15**
- ii) To approve the licence for a probationary period of 12 months**

The chair thanked the committee for their attendance.

The meeting closed at 11.15am.

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/11/17

Agenda Item No: 6

To: Licensing Committee
Date: 16 January 2012
Author: Tim Grogan, Senior Enforcement Officer
Lead Officer: Tim Grogan, Senior Enforcement Officer

Summary:

To inform the Licensing Committee of an increase to current licensing fees.

Recommendation:

That councillors be informed of an increase in licensing fees.

1. Introduction and background

1.1 To bring to the attention of this Committee details of an increase in licensing fees.

2. The Report

2.1 A review of all licensing fees takes place annually. In 2011 the Licensing Committee approved an increase in licensing fees of 4.6% of all fees. The Licensing Department proposes an increase this year of 5.6% in accordance with the fees and charges policy.

2.2 Fees have been rounded to the nearest 50 pence or £1. A schedule is attached for consideration. It should be noted that Lotteries and Amusement permits were agreed at a previous meeting of the Licensing Committee in line with the Gambling Act.

2.3 Details of the increase in fees are attached for information.

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 financial implications in connection with this report. The need to advertise the Hackney Carriage and Private Hire licensing fees is approximately £200.

4. **Conclusion**

That Councillors determine the application.

5. **Background Documents**

1. Details of the increase in Hackney Carriage/Private Hire fees.
2. Details of the increase in general licensing fees,

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

LICENCES

2011/2012	SERVICES	VAT	2012 / 2013
From 1/4/11			
	HACKNEY CARRIAGE		
176.50	Vehicle Licence (including test fee & meter test)	0	186.50
62.50	Driver – New Application	0	66.00
54.00	Driver – Renewal	0	57.00
62.50	Vehicle Test (including meter)	0	66.00
51.00	4/6 Month Test	0	54.00
26.00	Retest	0	27.50
51.00	Fail to appear for Test (non-cancellation)	0	54.00
19.00	Hackney External Plate (includes VAT)	S	20.00
5.00	Hackney Internal Plate (includes VAT)	S	5.50
11.50	Meter Test	0	12.50
	PRIVATE HIRE		
165.00	Vehicle Licence (including test fee)	0	174.50
62.50	Driver – New Application	0	66.00
54.00	Driver – Renewal Application	0	57.00
51.00	Vehicle Test	0	54.00
51.00	4/6 Month Vehicle Test	0	54.00
26.00	Retest	0	27.50
51.00	Fail to appear for Test (non cancellation)	0	54.00
12.50	Private Hire External Plate (each –includes VAT)	S	13.50
5.00	Private Hire Internal Plate (includes VAT)	S	5.50
15.50	Window Screen Disc	0	16.50
	OPERATORS LICENCE FEES		
97.00	1 – 4 Vehicles	0	102.50
103.00	5 – 10 Vehicles	0	109.00
112.00	11 plus Vehicles	0	118.50

2011 /2012	SERVICES	VAT	2012 / 2013
From 1/4/10			
	OTHER CHARGES		
9.00	Operators Log Book	0	9.50
38.50	Licence Amendment Fee	0	41.00
26.00	Vehicle Re-test	0	27.50
12.00	Duplicate Driver Name Badge	0	13.00
11.00	Duplicate Licence (per item)	0	12.00
64.00	Reduced Fee – School Contractor (plates extra)	0	68.00
60p	Photocopies of any documents (per sheet)	0	64p
10.00	Monthly rebate on licence for change of vehicle	0	10.50
9.00	Self Adhesive Plates (each – includes VAT)	S	9.50

LICENCES

2011 / 2012	SERVICES	VAT	2012 / 2013
From 1/4/11			
	ANIMAL BOARDING ESTABLISHMENT		
184.65	Initial Licence	0	195.00
105.00	Renewal Licence	0	111.00
	RESTRICTED ANIMAL HOME BOARDING		
93.00	Initial licence	0	99.00
53.50	Renewal Licence	0	56.50
	DANGEROUS WILD ANIMALS – BY INDIVIDUAL ASSESSMENT		
	DOG BREEDING		
144.50+ Vet	Initial Licence	0	153.00+Vet
105.00+ Vet	Renewal Licence	0	111.00+Vet
	PET SHOP		
144.50+ Vet	Initial Licence	0	
105.00+Vet	Renewal Licence	0	153.00+Vet
			111.00+Vet
	RIDING ESTABLISHMENT		
384.50	1 – 9 Horses	0	406.00
412.50	10 + Horses	0	436.00
	NON – FOOD		
638.50	Street Trading Consent (per annum) or (1 x 56.30 & 11 x56.20)	0	674.50
21.50	Occasional Street Trading Consent (per day)	0	23.00
	FOOD		
1271.53	Street Trading Consent (per annum) or (1 x 111.99 & 11 x111.91)	0	1343.00
51.00	Occasional Street Trading Consent (per day)	0	56.50
96.00		0	101.50
	MOTOR SALVAGE OPERATOR		

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2011 /2012	SERVICES	VAT	2012 /2013
From 1/4/11	CONTROL OF SEX ESTABLISHMENTS		
5126.00	Initial Licence 2/3 with app unrefundable. (3775.66) 1/3 on grant (1887.84)	0	5663.50
5363.00	Renewal Licence	0	5663.50
272.50	Transfer of Licence	0	288.00
145.50	MISCELLANEOUS Acupuncture, Tattooing, Body Piercing and Electrolysis	0	154.00
	GAMBLING ACT 2005		
40.00	LOTTERIES & AMUSEMENTS		40.00
20.00	Initial Lottery Permit		20.00
	Annual renewal of Lottery Permit		
0.60	OTHER CHARGES Photocopies of any documents (per sheet)		64p