



Agenda

Meeting: **LICENSING COMMITTEE**
Date: **6 FEBRUARY 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 9 January 2012 (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's Licence

To receive the report of the Senior Enforcement Officer L/11/19 (pages 8 to 16 attached)

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

To receive the report of the Senior Enforcement Officer L/11/14 (pages 17 to 54 attached)

Jonathan Lund
Deputy Chief Executive

Dates of next meetings
5 March 2012
2 April 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:	16 January 2012
Present:	Councillors Mrs S Duckett, K Ellis, Mrs P Mackay, B Marshall, Mrs K McSherry, D Peart, Mrs S Ryder, R Sayner(Chair), R Sweeting and J Thurlow.
Apologies for Absence:	Councillor Mrs C Mackman (substitute D Peart)
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Simon Scarrott – Senior Enforcement Officer, Karen Mann – Democratic Services Officer and Richard Besley – Democratic Services Officer

52. DECLARATIONS OF INTEREST

None.

53. MINUTES

Resolved:

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

54. PROCEDURE

The Procedure was noted.

55. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair updated the committee that she had met with the Chief Executive to discuss one of the items on the agenda and the Senior Solicitor would be updating the committee with regard to this item.

56. LICENSING FEES

The Senior Enforcement Officer presented report L/11/17 which brought to the attention of the Licensing Committee the increase of the Licensing Fees.

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 Enforcement Section proposes an increase this year of 5.6% in accordance with the fees and charges policy. The schedule is attached detailing the increases. The fees increase will be advertised.

RESOLVED:

- i) To receive and note Report L/11/17**
- ii) To approve the increase in the Licensing Fees**

57. 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.

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

The Senior Enforcement Officer presented report L11/16 that informed the Licensing Committee of a complaint received with regard to a Private Hire Driver using his mobile telephone whilst driving a passenger. The driver had also failed to inform the Council of a change of address which was a breach of a condition attached to their licence.

The Senior Enforcement Officer outlined details of the case.

The applicant presented his case to the Licensing Committee and they were given the opportunity to question the applicant about the complaint.

The applicant and Senior Enforcement Officers left the room whilst the committee considered their decision. Upon their return the Senior Solicitor advised the driver of the committee's decision.

RESOLVED:

- i) To receive and note the report L11/16**
- ii) That the applicant be given a FINAL WRITTEN WARNING to be held on file for 12 months**
- iii) To inform North Yorkshire County Council of the decision**

59. ISSUE CONCERNING THE BEHAVIOUR OF A PRIVATE HIRE DRIVER

Report L/11/14 considered whether the Private Hire Driver is a fit and proper person being a requirement to be licensed to drive a Private Hire Vehicle within Selby District.

The Senior Solicitor and the Senior Enforcement Officer gave an update on the case.

The Committee felt that the lack of information received from North Yorkshire Police and North Yorkshire County Council was unacceptable and that future steps need to be taken regarding this.

RESOLVED:

- i) To receive and note Report L11/14**
- ii) To DEFER the matter in order to ask the Private Hire Driver to sign letters of authority to be sent to NYCC and NYP to authorise the disclosure of the specific allegations made**
- iii) That the applicants licence continue to be suspended**

The meeting closed at 11.05am.

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.