

Agenda

Meeting: LICENSING COMMITTEE

Date: **5 MARCH 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 Hearing held on the 13 January 2012 (pages 3 to 5 attached) and Licensing Committee meeting held on 6 February 2012 (pages 6 to 8 attached)

4. Procedure

To outline the procedure to be followed at the meeting (Pages 9 to 10)

5. Chair's Address to the Licensing Committee

6. Application for a Private Hire Vehicle Licence

To receive the report of the Senior Enforcement Officer L/11/20 (pages 11 to 18)

7. Application for a Private Hire Vehicle Licence

To receive the report of the Senior Enforcement Officer L/11/21 (pages 19 to 26)

8. 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.

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

To receive the report of the Senior Enforcement Officer L/11/ 22 (pages 27 to 31)

10. Application for a Private Hire Vehicle Licence

To receive the report of the Senior Enforcement Officer L/11/ 23 (pages 32 to 46)

11. Application for a Hackney Carriage Licence

To receive the report of the Senior Enforcement Officer L/11/24 (pages 47 to 64)

Martin Connor Chief Executive

Dates of next meetings
2 April 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 Hearing

Venue: Committee Room

Date: 13 January 2012

Present: Councillors S Ryder, R Sayner and J Thurlow.

Apologies for Absence: None

Officers Present: Caroline Fleming - Senior Solicitor, Tim Grogan -

Senior Enforcement Officer, Simon Scarrott -Senior Enforcement Officer, PC Mick Wilkinson – Police Licensing Unit, Wayne Palmer – Lead Officer, Environmental Health and Housing and Karen Mann – Democratic Services Officer

APPLICANT:

Lynn Wood (accompanied by Steven Jones)

REPRESENTORS:

Responsible Authorities

North Yorkshire Police – PC Mick Wilkinson Selby District Council Lead Officer Environmental and Housing – Wayne Palmer

INTRODUCTIONS

The Chairman introduced herself and the other Members of the Licensing Sub-Committee.

The Senior Solicitor introduced the officers present and the representatives of the Responsible Authorities.

1. DECLARATIONS OF INTEREST

None.

2. PROCEDURE

The Senior Solicitor summarised the Hearings Procedure, as appended to the agenda.

3. APPLICATION FOR A PREMISES LICENCE – Chique, Ousegate, Selby

In attendance and entitled to speak on this application were:

Ms Lynn Wood, Applicant accompanied by Mr Steven Jones, who would speak on behalf of the Applicant. Wayne Palmer, Lead Officer – Environment and Housing, PC Mick Wilkinson – Police Licensing Unit

The Senior Enforcement Officer presented the report L/11/18. He advised that the application was for a Premises Licence that sought the determination of the Licensing Sub-Committee where relevant representations had been received from Environment Health, the Police and residents.

The nature of the licence was for the provision of regulated entertainment in the form of live music, recorded music, performance of dance and anything of a similar description thereto; entertainment facilities in the form of making music, dancing and entertainment similar thereto; late night refreshment and sale by retail of alcohol

The Senior Enforcement Officer summarised the four Licensing Objectives with which the Licence Holder had to comply in order to operate within the Licensing Act; they were:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Senior Enforcement Officer outlined the decision options open to the Committee together with options available for possible appeals.

A Councillor directed a question to the Senior Enforcement Officer regarding past noise complaints.

Mr Jones on behalf of the Applicant outlined the reasons for the application and details of the running of the premises.

Councillors and Lead Officer – Environment and Housing questioned the Applicant on the information submitted.

The Police outlined their conditions for the licence and confirmed that the Applicant had agreed to them.

The Lead Officer – Environment and Housing outlined the conditions required by Environment Health for the licence and confirmed that the Applicant had agreed to them.

The Chair confirmed with all parties that they had received a fair hearing.

The Sub-Committee adjourned to debate their decision.

RESOLVED:

- i) To receive and note Report L/11/18
- ii) To APPROVE the application subject to the conditions listed in the report from the Police and Environmental Health

The meeting closed at 11.05am.



Minutes

Licensing Committee

Venue: Committee Room

Date: 6 February 2012

Present: Councillors R Sayner (Chair), Mrs S Duckett, Mrs

Mackman, B Marshall, D Peart (substitute for Mrs K McSherry), Mrs S Ryder, A Spetch (substitute for P Mackay), R Sweeting and J Thurlow.

Apologies for Absence: Councillors K McSherry (substitute D Peart) and

Mrs P Mackay (substitute A Spetch)

Officers Present: Caroline Fleming - Senior Solicitor, Tim Grogan -

Senior Licensing Enforcement Officer, Simon Scarrot – Senior Licensing Enforcement Officer and Glenn Shelley – Democratic Service Manager

60. DECLARATIONS OF INTEREST

None.

61. MINUTES

Resolved:

To receive and approve the minutes of the Licensing Committee on the 16 January 2012 and they are signed by the Chair.

62. PROCEDURE

The Procedure was noted.

63. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

No address was given.

64. 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.

65. APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Senior Enforcement Officer presented the **Report L/11/19** which outlined concerns that had been raised from the Criminal Records Bureau check. The Committee should consider whether the applicant was a fit and proper person to hold a Private Hire Drivers Licence.

Councillors were given the opportunity to question the applicant in connection with his application. The Committee considered their decision.

RESOLVED:

- i) To receive and note Report L/11/19
- ii) To APPROVE the application for a Private Hire Drivers Licence

66. ISSUE CONCERNING THE BEHAVIOUR OF A PRIVATE HIRE DRIVER

Councillors received the report of the Senior Enforcement Officer with regard to the conduct of a Private Hire Driver.

Councillors were asked to consider whether the individual was a fit and proper person to be licensed as a Private Hire Driver.

The Senior Enforcement Officer outlined the details of the case, read out the contemporaneous notes of the driver's interview and the additional information provided since the last hearing.

The applicant was not in attendance.

Resolved:

That the Committee considered on the balance of probabilities that it had reasonable cause to come to the decision that the individual was not a fit and proper person to be licensed as a Private Hire Driver and his licence be revoked with immediate effect.

For the following reasons: That;

- i) In 2004 NYCC decided they would not permit the Driver to drive children arising from certain allegations relating to young female persons, and whilst the matter was referred to the police no action was ultimately taken in relation to those allegations. This decision was confirmed by NYCC in 2006;
- ii) The Driver had not challenged the decision of NYCC by way of appeal to court;

- iii) The Driver accepted in interview with the Council's Senior Enforcement Officer and at the first Committee hearing that complaints had been made about his conduct but was unable to recall the nature and specific detail of them. He did, however, deny that he was responsible for any misconduct;
- iv) The specific allegations referred to had been revealed by the Police to be: inappropriate comments made by two eleven years olds about a sixth form pupil; and inappropriate touching of one of the eleven year olds;
- v) The Licensing Committee formed the view from the evidence that;
 - the Driver was vague and misleading when interviewed about those matters by the Council's Senior Enforcement Officer and when questioned at the first Committee hearing
 - The Driver did reveal during interview that the imposition of his removal as a Driver on behalf of NYCC had been with immediate effect and that he had been prevented from fulfilling this particular school contract by officers of NYCC who attended the school to suspend the contract
 - Information NYCC had proposed to disclose to the Council in relation to the matters were prevented from being disclosed by the Driver
 - Any merit the Driver may have been entitled to had been removed by his reluctance to agree to the release of information held by NYCC;and
- vi) The Licensing Committee balanced the rights of the individual and the community at large and the impact of the Driver's character on users of the vehicle and the Drivers business.

The meeting closed at 11.10am.

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 prcoedure 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/11/20

Agenda Item No: 6

To: Licensing Committee

Date: 5 March 2012

Author: Tim Grogan, Senior Enforcement Officer Lead Officer: Tim Grogan, Senior Enforcement Officer

Primman.

Summary:

Eric Jackson has applied for Private Hire Vehicle Licences in respect of Citroen CB and Volkswagen Transporter motor vehicles and requests that the licences be discreet in manner.

Recommendation:

That Councillors approve the issue of Private Hire Vehicle licences in the form of a disc identifying Citroen CB and Volkswagen Transporter motor vehicles as Private Hire Vehicles

1. Introduction and background

1.1 To bring to the attention of the Committee, an application by Eric Jackson for the grant of Private Hire Vehicle Licences for Citroen CB and Volkswagen Transporter motor vehicles, which are discreet in manner.

2. The Report

- 2.1 On the 2nd February 2012, Eric Jackson applied to Selby District Council for Private Hire Vehicle licences in respect of Citroen CB and Volkswagen Transporter motor vehicles. He requested that such licences be discreet in manner as a consequence of his proposed customers requesting an executive transportation service using vehicles not displaying a 'plate'.
- 2.2 The Citroen CB motor vehicle, registered number WV 60 BZS was originally licensed by the Council on 30.1.12. At this time it was issued with orthodox Private Hire plates, which are currently displayed in accordance with section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976, in that the plates are securely fixed to the front and rear exterior of the vehicle in a conspicuous position.

- 2.3 The Volkswagen Transporter motor vehicle, registered number YD 08 GYW was originally licensed by the Council on 3.3.08. At this time it was issued with orthodox Private Hire plates, which are currently displayed in accordance with section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976, in that the plates are securely fixed to the front and rear exterior of the vehicle in a conspicuous position.
- 2.4 Three prospective business customers support this application and confirm this information in writing.
- 2.5 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.
- 2.6 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on eight previous occasions.
- 2.7 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.
- 2.8 A copy of Mr Jackson's letter of 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) A copy of Section 48(5) of the Local Government Act (Miscellaneous Provisions) Act 1976 is available in the Legal Services section.
- (ii) A letter of application from Eric Jackson
- (iii) Letter of support from Sasha Underwood of Tunstall Healthcare (UK) Ltd
- (iv) Letter of support from Gloria Bartram of Abbey Travel
- (v) Letter of support from Shirley Wordsworth of Guardian Industries UK Ltd
- (vi) Copy of disc

FAO: Tim Grogan.

E J Private Hire

Email-

2 February 2012

Dear Mr Grogan

I wish to apply for discreet private hire plates to both of my vehicles.

- 1) Citroen C8 silver registration WV60BZ5
- 2) VW Transporter silver registration YD08GYW

Both of these vehicles provide a superior class of service to my current and new customers.

My corporate customers have stated that they would prefer descreet vehicles which will enhance the image of their business.

I attach three references for your consideration.

Yours sincerely

11,

Eric D Jackson

Mr Tim Grogan Selby District Council SELBY SELBY DISTRICT COUNCIL RECEIVED

> 0 2 FEB 2012 CUSTOMER SERVICES VERIFIED OBIGINAL

All the reassurance you need



Wednesday 1st February 2012

Dear Eric,

I am writing with regards your recent application to operate without the visible private hire license plates and advertising signage.

I can confirm this would highly appeal to Tunstall to use a Private Hire company who do not advertise on their vehicles – it would provide a much more executive form of travel for our clients, visitors and staff who frequently require transfers. Thus impressing them of both Tunstall as a company and yourself as the Private Hire provider.

We wish you the best of luck with your application and look forward to working with you again soon in the future.

Yours Sincerely,

Miss Sasha Underwood Project Office Administrator Tunstall Healthcare (UK) Ltd Email:

Telephone: +

Mobile: -730 /17070



Tunstall Healthcare (UK) Ltd, Whitley Lodge, Whitley Bridge, Yorkshire DN14 OHR

Telephone: 01977 661234 Fax: 01977 662570

www.tunstallhealth.com

Abbey Travel
3 New Lane, Selby,
North Yorkshire YO8 4QB
Telephone 01757 702922 Fax 01757 210184
E-mail: sales@abbeytravelselby.co.uk



Mr Eric Jackson

76 TZ 11

30th January 2012

Dear Eric

Re: Your new vehicle due for delivery

We understand that you will shortly be taking delivery of a new private hire vehicle, and will make an application the taxi licensing department of Selby District Council for a discreet private hire plate. We would like to support you with this application, and perhaps you might like to submit this letter to the Council with the other documents they require.

The Port and Airport transfer business which you undertake on our behalf, is invariably from high spending customers taking cruises and overseas holidays, during which time their home is left unoccupied. We have been asked a number of times to reassure our clients that the vehicles we can arrange, are clean, well maintained, and that the drivers are safe, reliable and discreet. Our customers have told us that they do not want to use a highly visible taxi, with illuminated signs and advertising slogans, waiting out side their home, drawing attention to the fact they are going away, and that their property is likely to be unattended, and at risk.

It is for these reasons that we ask you and Sue to look after the majority of our business, and if the Council will allow you to have the plate inside the vehicle, as far as we are concerned that would be a good thing.

Please let us know how you get on with your application in due course.

Kind regards

Gloria Bartram Managing Director







GUARDIAN INDUSTRIES UK Ltd

Rawcliffe Road Goole East Riding of Yorkshire DN14 8GA - ENGLAND Tel: +44 (0)1405 726800 Fax: +44 (0)1405 726999 www.guardian.com

31st January 2012

To Whom It May Concern

Dear Sir

Guardian Industries UK Ltd currently use EJ Private Hire, 26 Kellington Lane, Eggborough, Goole, DN14 0LB, for our VIP transfers to and from Major airports.

We would appreciate if Mr Eric Jackson, owner of this Company, could conduct his business without displaying plates on his chauffeur driven car. By doing so this would assist us in creating a very good impressive image to our customers and VIP visitors.

If Guardian Industries UK Ltd can assist any further with this matter please do not hesitate to contact me.

Yours Faithfully

Shirley Wordsworth Human Resources







Report Reference Number L/11/21

Agenda Item No: 7

To: Licensing Committee

Date: 5 March 2012

Author: Tim Grogan, Senior Enforcement Officer Lead Officer: Tim Grogan, Senior Enforcement Officer

Summary:

Howard Smelt-Webb has applied for a Private Hire Vehicle Licence in respect of Range Rover Sport and requests that the licence be discreet in manner.

Recommendation:

That Councillors approve the issue of Private Hire Vehicle licence in the form of a disc identifying a Range Rover Sport motor vehicle as a Private Hire Vehicle

1. Introduction and background

1.1 To bring to the attention of the Committee, an application by Hoard Smelt-Webb for the grant of Private Hire Vehicle Licence for a Range Rover Sport motor vehicle, which is discreet in manner.

2. The Report

- 2.1 On the 16th February 2012, Howard Smelt-Webb applied to Selby District Council for a Private Hire Vehicle licence in respect of a Range Rover Sport 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 eight 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 Smelt-Webb's letter of application is attached together with the three letters from his prospective business customers.
- 2.7 Mr Smelt-Webb was issued with a Private Hire Driver's Licence on the 10 February 2012. Although his address is in Bedale he intends to run his business from 55, Dennison Road, Selby YO8 8AN. This is the home address of his brother-in-law Andrew Atkinson. which is within the district of Selby.

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) A copy of Section 48(5) of the Local Government Act (Miscellaneous Provisions) Act 1976 is available in the Legal Services section.
- (ii) A letter of application from Howard Smelt-Webb
- (iii) Letter of support from Helen Pentith of Escrick Park Estate

- (iv) Letter of support from Charlie Kirk of Jet Aire, Drain Care
- (v) Letter of support from Ian Robinson of Hogg Builders
- (vi) Copy of disc



16 February 2012

Dear Sir / Madam

I am writing to you with reference to my Private Hire application with Selby District Council.

On 31 January 2012 I retired from the North Yorkshire Police after thirty one years service. During that time I have made numerous contacts in the Selby, Tadcaster and York areas.

Over the last two years of my Police service I have given considerable thought as to what I was going to do when I left the Police. After much discussion with various key people in the area and conducting market research I have decided to start an executive chauffeuring service in the Selby and Tadcaster areas.

The vehicle I intend to buy is a Range Rover.

This chauffeuring service will be offered to both business and private clients in the area. It will involve transporting clients to a variety of activities ranging from business meetings, corporate events, to weddings, to the races, airport transfers and other special events.

This service is going to be bespoke and tailored to the specific needs of the client. By using a Range Rover I am aiming to attract not only rural based clients but also clients who would require a more 'upmarket' service. Due to the nature of the service I propose to offer I would like the Range Rover not to display private hire plates but would prefer small 'executive hire type badging 'instead. By having this badging this will enable me to offer a more discreet service.

I enclose three letters from potential clients in the Selby area.

Yours faithfully,

Howard Smelt-Webb



Escrick Park Estate

The Estate Office
Escrick
York
YO19 6EA
enquiries@escrick.com
www.escrick.com
01904 728252

2nd February 2012

Selby District Council Civic Centre Portholme Road Selby YO8 OSB

Dear Sir or Madam

Howard Smelt-Webb

In my capacity as Marketing manager at Escrick Park, I have met with Howard Smelt-Webb recently to discuss the chauffeuring service he is proposing to offer.

As a busy rural Estate, we offer land hire opportunities for corporate functions & weddings as well as having a good client base of commercial clients and holiday home owners, all of which require a chauffeuring service from time to time.

I believe that Escrick Park would use the service Howard is proposing in the future, but our owners, clients and Escrick Park itself would probably prefer his vehicle not to display private hire plates, mainly because we would want his service to be of a discreet nature and part of the Escrick Park ethos.

If you wish to discuss with myself at anytime, I am more than happy to answer any questions.

Kind regards.

Yours faithfully



NORTHWAYS COURT GREAT NORTH ROAD ABERFORD LEEDS LS25 3AU

TELEPHONE: 0113 393 5500 FACSIMILE: 0113 281 4910 E mail: enquiries@jetaire.co.uk



2nd February 2012

Dear Sir / Madam

I am the Managing Director of Jet Aire Drain Care based at Aberford near Tadcaster.

Jet Aire operate throughout the Selby and Tadcaster areas.

I have known Howard Smelt-Webb for a number of years and I can say that I would use the executive chauffeuring service that he is proposing to start. I would use this service for both business and personal related work. I would prefer his vehicle not to have ' private hire ' badges because I would like the service to be of a more discreet nature.

Yours faithfully

Charlie Kirk Managing Director













10th February 2012

Dear Sir/Madam

I am a Director of Hogg the Builder based in York.

Hogg the Builder has had many housing developments throughout the Selby area.

I have known Howard Smelt-Webb for 15 years and I can say that I would use the executive chauffeuring service that he is proposing to offer. I would use this service for both business and personal related work. I would prefer his vehicle not to have "private hire" badges because I would like the service to be of a more discreet nature.

Yours Faithfully
HOGG BUILDERS (YORK) LTD

Ian Robinson
Construction Director
Direct Dial

