

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **14 MAY 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 2 April 2012 (pages 3 to 6 attached).

4. Procedure

To outline the procedure to be followed at the meeting (Pages 7 to 8)

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 Exemption from Assisting Disabled Passengers by Hackney Carriage Driver

To receive the report of the Senior Enforcement Officer L / 11 / 31
(pages 9 to 15)

**Martin Connor
Chief Executive**

Dates of next meetings
2 July 2012
3 September 2012
1 October 2012
5 November 2012
3 December 2012

Enquiries relating to this agenda, please contact Democratic Services on:
Tel: 01757 292007 Email: democraticservices@selby.gov.uk

Minutes

Licensing Committee

Venue:	Committee Room
Date:	16 April 2012
Present:	Councillors R Sayner, Mrs S Duckett, Mrs C Mackman, B Marshall, Mrs S Ryder, R Sweeting, J Thurlow, K Ellis and Mrs P Mackay
Apologies for Absence:	Councillor Mrs K McSherry
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Glenn Shelley – Democratic Services Manager , Nick Abbott – Democratic Services Officer

77. DECLARATIONS OF INTEREST

None.

78. MINUTES

The Committee raised amendments to the minutes of the Licensing Hearing on 20 March. There was a typing error at point 6 in connection with the Premises Licence Conditions. This should read:

6. Copies of the recordings will display the correct time and date of the recording.

In addition there was a typing error to the conditions to be amended to read:

8. “*Open* drinking vessels (to include bottles) of any type shall not be allowed to enter or leave the premises whilst under the customers care (save for the movement to any outside drinking area attached to the premises)”

Resolved:

To receive and approve the minutes of the Licensing Committee held on the 5 March 2012 and, subject to the above amendments, the Licensing Hearing on the 20 March 2012 and they be signed by the Chair.

79. PROCEDURE

The Procedure was noted.

80. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair made no statement to the Committee. The Committee agreed to a change in the order of the agenda so that item 8 of the agenda was heard before item 7.

81. 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.

82. ISSUE CONCERNING THE BEHAVIOUR OF A PRIVATE HIRE DRIVER

The Senior Enforcement Officer presented the **Report L/11/27** which informed the Licensing Committee of a complaint that had been received. The driver was in attendance.

The Senior Enforcement Officer outlined details of the case.

The driver read out a statement and requested that three letters of testimony were read to the Committee. The Senior Enforcement Officer read out the letters.

Councillors were given the opportunity to question the driver in connection with the matter. The Councillors then considered whether the driver was a fit and proper person to be licensed as a Private Hire driver.

RESOLVED:

- i) To receive and note the report L/11/27.**
- ii) To take no further action against the driver.**

83. ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED HACKNEY CARRIAGE DRIVER

The Senior Enforcement Officer presented the **Report L/11/26** which outlined a complaint that had been received. The driver was in attendance.

The driver made representations to the Committee.

Councillors were given the opportunity to question the driver in connection with the matter. The Councillors then considered whether the driver was a fit and proper person to be licensed as a Hackney Carriage driver.

RESOLVED:

- i) **To receive and note Report L/11/26.**
- ii) **To give the applicant a VERBAL WARNING to be held on file for 3 months.**

84. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

The Senior Enforcement Officer presented the **Report L/11/28** which considered whether an application for a Hackney Carriage Licence should be granted. The applicant was in attendance with their prospective employer.

The Senior Enforcement Officer outlined details of the case.

The applicant summarised the details of their application.

Councillors were given the opportunity to question the applicant about the application. The Councillors then considered whether the driver was a fit and proper person to be licensed as a Hackney Carriage driver.

RESOLVED:

- i) **To receive and note the report L/11/28**
- ii) **To APPROVE the application for a Hackney Carriage Driver's Licence.**

85. ISSUE CONCERNING THE BEHAVIOUR OF TWO PRIVATE HIRE DRIVERS

The Committee agreed to hear the case in respect of each driver separately and then consider their decision for both parties together.

The Senior Enforcement Officer presented the **Report L11/29** with regard to the conduct of the first of the two Private Hire Drivers. The driver was in attendance.

The Senior Enforcement Officer outlined details of the case.

The first driver made representations to the Committee.

Councillors were given the opportunity to question the first driver in connection with the matter. The first driver then left the room.

The Senior Enforcement Officer presented the **Report L11/29** with regard to the conduct of the second of the two Private Hire Drivers. The second driver was in attendance.

The Senior Enforcement Officer outlined details of the case.

The second driver made representations to the Committee.

Councillors were given the opportunity to question the second driver in connection with the matter.

The Committee then considered whether the two drivers were fit and proper persons to be licensed as Private Hire drivers.

RESOLVED:

- i) To receive and note the report L/11/29**
- ii) To take no further action against the first of the two applicants**
- iii) To give the second driver a WRITTEN warning to be held on file for 6 months.**
- iv) To request an urgent review of the current procedure for issuing of licence plates for both Private Hire and Hackney Carriages.**

86. ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED HACKNEY CARRIAGE DRIVER

The Senior Enforcement Officer presented the **Report L/11/30** which detailed alleged traffic offences committed by the Hackney Carriage Driver. The driver was in attendance.

The Senior Enforcement Officer outlined details of the case.

The driver made representations to the Committee.

Councillors were given the opportunity to question the driver in connection with the matter. The Councillors then considered whether the driver was a fit and proper person to be licensed as a Hackney Carriage driver.

RESOLVED:

- i) To receive and note the report L/11/30**
- ii) To give the applicant a VERBAL WARNING to be held on file for 3 months.**

The meeting closed at 12.20.

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.