

## Minutes

### Licensing Committee

Venue:	Committee Room
Date:	18 March 2013
Present:	Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs S Duckett, B Marshall, Mrs K McSherry, D Peart (for Mrs C Mackman), Mrs S Ryder, R Sweeting and J Thurlow.
Apologies for Absence:	Councillors, Mrs C Mackman (substitute D Peart).
Officers Present:	Caroline Fleming - Senior Solicitor, Kelly Hamblin, Senior Solicitor, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer

#### **46. DECLARATIONS OF INTEREST**

Councillor Mrs Duckett declared a non pecuniary interest in report **L/12/23**, Application for a Private Hire Driver's Licence as she knew the applicant and his father however this did not affect her judgement on the application.

#### **47. MINUTES**

##### **RESOLVED:**

**That the Committee receive and approve the minutes of the Licensing Committee on 4 February 2013 and the Licensing Hearing on 15 February 2013 and that they be signed by the respective Chair for each meeting.**

#### **48. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

There was no address by the Chair. It was agreed to amend the running order of the agenda so that the private items were taken first.

#### **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. ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED HACKNEY CARRIAGE DRIVER**

The Senior Enforcement Officer presented the **Report L/12/21** which outlined a complaint that had been received and considered whether the respective driver was a fit and proper person to drive a Hackney Carriage.

The driver requested deferral of the item as his Solicitor had not been able to attend the meeting. The Committee agreed that the case would be deferred until their meeting on 13 May 2013. They stressed however that the case would still go ahead even if the driver's Solicitor was not able to attend the meeting.

#### **RESOLVED:**

- i) That the Committee receive and note Report L/12/21.**
- ii) That the Committee defer the item until their meeting on 13 May so that the driver's Solicitor can attend the meeting.**

#### **51. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

The Senior Enforcement Officer presented the **Report L/12/20** which considered whether an application for a Private Hire Driver's Licence should be granted. The applicant was in attendance along with two representatives.

Councillors were given the opportunity to question the applicant and his representative in connection with the application. The Committee then discussed the matter and considered their decision on whether the application should be granted.

#### **RESOLVED:**

- i) That the Committee receive and note Report L/12/20.**
- ii) That the Committee defer consideration of the application until the applicant's case has been heard at Court and a decision has been reached regarding the suspension imposed by the applicant's current licensing authority.**

#### **52. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

The Senior Enforcement Officer presented the **Report L/12/22** which considered whether an application for a Private Hire Driver's Licence should be granted. The applicant was in attendance.

Councillors were given the opportunity to question the applicant. The Committee then discussed the matter and considered their decision on whether the application should be granted.

**RESOLVED:**

- i) That the Committee receive and note Report L/12/22.**
- ii) That the application for a Private Hire Driver's Licence be GRANTED.**

**53. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE**

The Senior Enforcement Officer presented the **Report L/12/23** which considered whether an application for a Hackney Carriage Driver's Licence should be granted. The applicant was in attendance along with two representatives.

Councillors were given the opportunity to question the applicant in connection with the application. The Committee then discussed the matter and considered their decision on whether the application should be granted.

**RESOLVED:**

- i) That the Committee receive and note Report L/12/23.**
- ii) That the application for a Private Hire Driver's Licence be REFUSED as the conviction of the applicant has not expired.**

The Committee suggested that the applicant could reapply if they so wished after their conditional discharge expired on 12 September 2013.

The Committee moved back into public session.

**54. APPLICATION FOR A DESIGNATED PUBLIC PLACES ORDER (DPPO) TO CONTROL STREET DRINKING IN MINK FRYSTON PARISH**

The Senior Enforcement Officer presented the **report L/12/19** which considered an application by Monk Fryston Parish Council to make a Designated Public Places Order (DPPO) to cover Mark Fryston Parish Council to control street drinking.

The Committee were in agreement to proceed with the consultation.

## **RESOLVED:**

- i) That the Committee receive and note report L/12/19.**
- ii) The Committee authorise the Enforcement Section to carry out the required statutory consultation as prescribed by the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 in the Monk Fryston area and then report back detailing the results of that consultation in order for the Committee to then consider approving the application by the granting of the DPPO.**

## **55. STREET TRADER CONSENTS**

The Senior Solicitor presented the **report L/12/18** which asked the Committee to determine whether to vary the terms of the Street Trader Consents issued for James Street, Selby by removing the authorisation to trade on Mondays.

The Senior Solicitor explained that the Town Council had asked for the traders to be removed on Monday as they interfered with the Monday Market for which the Town Council held the rights.

The Committee were informed that there were currently six traders with consents for James Street however only five of these were licensed to trade on a Monday. It was also explained that a petition had been submitted in favour of the current traders.

The Committee debated the options that were proposed. The following discussion took place:

- Some Members of the Committee felt that the current traders should remain and queried why an application to remove the traders had been submitted at the current time.
- It was stated that when the market rights were transferred to the Town Council, a covenant was included that the District Council would not at any time hold any market in the parish of Selby and concern was raised that five traders trading in close proximity constituted a market. It was explained however that as things currently stood, the District Council were not in breach of the agreement as only four traders normally traded on a Monday.
- The difference between a market and consent was clarified. It was explained that the local authority had the power to revoke consents at any time and traders did not have a right of appeal unless the decision was challenged through a Judicial Review.

- The Committee were informed that if the traders consent was revoked, there was nothing stopping them submitting an application to trade elsewhere within the parish.
- It was felt that the competition between the traders benefited the general public.
- It was emphasised that the Enforcement team at the District Council would have to ensure that the traders currently trading on James Street remained at four and did not increase to five which would result in a market being constituted and the District Council being in breach of the agreement.

Two different recommendations were put forward by Members of the Committee, these were as follows:

- Proceed with an amalgamation of options a and d as outlined in the report.
- Proceed with option e as outlined in the report.

**RESOLVED:**

- i) That the Committee receive and note report L/12/18.**
- ii) The Committee decide not to vary any street trading consents in James Street or within Selby Parish, leaving all decisions to grant street trading consents to the appropriate delegated Officer, in accordance with current practice.**

The meeting closed at 12.04pm