



Agenda

Meeting: **LICENSING COMMITTEE**
Date: **13 MAY 2013**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow**

1. Apologies for absence

2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 18 March 2013 and the Licensing Hearing held on 11 March 2013 (pages 1 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 in Respect of a Volkswagen Transport Vehicle.**

To receive the report of the Senior Enforcement Officer L/12/24 (pages 11 to 18 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. **Issue concerning the behaviour of a Licensing Hackney Carriage Driver**

To receive the report of the Senior Enforcement Officer L/12/25 (pages 19 to 34 attached)

9. **Application for a Hackney Carriage Licence in Respect of a Particular Vehicle**

To receive the report of the Senior Enforcement Officer L/12/26 (pages 35 to 45 attached)

**Jonathan Lund
Deputy Chief Executive**

Dates of next meetings
3 June 2013
1 July 2013
2 September 2013

Enquiries relating to this agenda, please contact Palbinder Mann on:
Tel: 01757 292207 Email: pmann@selby.gov.uk

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

Minutes

Licensing Hearing

Venue:	Council Chamber
Date:	11 March 2013
Present:	Councillors R Sweeting (Chair), Mrs S Duckett and K Ellis.
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan, Senior Enforcement Officer, Rachel Howden – Enforcement Officer, and Palbinder Mann – Democratic Services Officer
Public:	0

PREMISES:

Fox and Pheasant, Main Street, Hemingbrough –
David Watson - Punch Taverns Plc, John Dowson – Designated Premises Supervisor and Nicola Woodcock – former Designated Premises Supervisor.

REPRESENTORS:

Responsible Authorities

North Yorkshire Police Authority – Sergeant Matt France.

Licensing Authority – Tim Grogan, Senior Enforcement Officer, Selby District Council and Rachel Howden, Enforcement Officer, Selby District Council.

INTRODUCTIONS

Members and everyone present introduced themselves.

11. ELECTION OF CHAIR

Councillor R Sweeting was elected as Chair for the meeting.

12. APOLOGIES FOR ABSENCE

There were no apologies for absence.

13. DISCLOSURES OF INTEREST

There were no declarations of interest.

14. 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.

15. APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR – The Fox and Pheasant, Main Street, Hemingbrough

The Sub-Committee considered an application from Punch Taverns Plc to specify John Dowson as the Designated Premises Supervisor in respect of the Fox and Pheasant, Hemingbrough. Objection to the application has been received from North Yorkshire Police as responsible authorities on the grounds that it would undermine the Licensing objective, the prevention of crime and disorder. Representations were also received from Selby District Council Licensing Authority.

The Senior Enforcement Officer presented the report. He advised that the application was to vary a Premises Licence to specify an individual as Designated Premises Supervisor for the Fox and Pheasant that sought the determination of the Licensing Sub-Committee.

The Sub-Committee heard representations from the Police.

Members of the Sub-Committee and the parties present asked questions and received replies.

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

The members of the Sub-Committee retired together with the Democratic Services Officer and Legal Adviser to consider the application for review and the representations and proposals that had been made.

RESOLVED:

That, having considered all the representations before them, and having regard to the circumstances of the incident, the Sub-Committee grant the application for Mr

**John Peter Dowson to be specified as the Designated
Premises Supervisor of the Fox & Pheasant.**

REASON FOR DECISION

The Sub-Committee did not consider the application would undermine the following licensing objectives:

- The prevention of crime and disorder

The meeting closed at 10.50am.

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 Solicitor will inform in writing to the applicant the decision of the Licensing Committee.

Public Session

Report Reference Number: L/12/24

Agenda Item No: 6

To: Licensing Committee

Date: 13 May 2013

Author: Tim Grogan

Lead Officer: Tim Grogan

Summary:

Eric Jackson has applied for Private Hire Vehicle Licences in respect of a Volkswagen Transporter motor vehicle and requests that the licence be discreet in manner.

Recommendations:

That Councillors approve the issue of Private Hire Vehicle licence in the form of a disc identifying a Volkswagen Transporter motor vehicle as a 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 a Private Hire Vehicle Licence for a Volkswagen Transporter motor vehicle, being discreet in manner.

2. The Report

- 2.1** On the 4 April 2013, Eric Jackson applied to Selby District Council for Private Hire Vehicle licences in respect of a Volkswagen Transporter 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** The Volkswagen Transporter motor vehicle is to replace a similar vehicle which was originally granted a discreet licence on 5 March

2012 and has become uneconomic to repair. The Committee should be aware that orthodox Private Hire plates, which are currently displayed in accordance with section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976, are securely fixed to the front and rear exterior of Private Hire vehicles in a conspicuous position.

- 2.3 Three prospective business customers support this application and confirm this information in writing.
- 2.4 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.
- 2.5 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on ten previous occasions, and to Mr Jackson on one previous occasion.
- 2.6 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.
- 2.7 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

E J Private Hire

Email - [REDACTED]
[REDACTED]

Dear Mr Grogan

I wish to apply for discreet private hire plates.

I will be replacing my present VW Transporter, silver, registration YD08GYW to a brand new VW Transporter, silver, registration to be allocated.

This change is expected to be, depending on vehicle delivery, towards the end of May 2013.

As before my new vehicle will provide a superior class of service to my current and new customers.

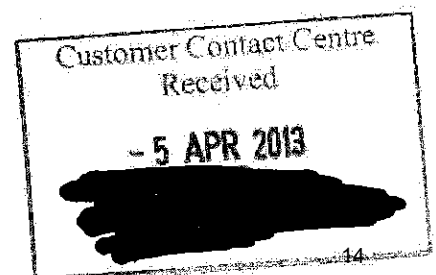
My corporate customers have stated that they would prefer discreet vehicles which will enhance the image of their business.

I attach three references for your consideration.

Yours sincerely
[REDACTED]

Eric D Jackson

4 April 2013



Thursday 7th March 2013

Dear Eric,

I am writing with regards your recent application to operate without 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 an 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 in the future.

Yours Sincerely



Sasha Underwood
Personal Assistant
Tunstall Healthcare Group
Email: sasha.underwood@tunstall.com
Telephone: 01977 660234
Mobile: 

Customer Contact Centre
Received

- 5 APR 2013



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



Mr Eric Jackson
E J Private Hire

[Redacted address lines]

11th March 2013

Dear Eric

Regarding 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 to the Taxi Licensing Department of Selby District Council for a discreet private hire plate. We would like to support you with this application, perhaps you might like to submit this letter to the Council with the other documentation 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 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 advertising slogans or illuminated signs, waiting outside their home. This would draw attention to the fact they are going away, leaving their property unattended and at risk.

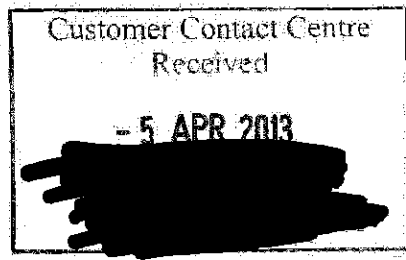
It is for these reasons we ask you and Sue to look after the majority of our business; if the Council will allow you to have the plate inside the vehicle it will reassure our clients and give them 'peace of mind' whilst they are away.

Please keep in touch and advise us how your application goes.

Kind regards

[Redacted signature]

Gloria E Bartram
Managing Director





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DN14 8GA - ENGLAND
Tel: +44 (0)1405 726800
Fax: +44 (0)1405 726999
www.guardian.com

13th March 2013

To Whom It May Concern

Dear Sir

Guardian Industries UK Ltd currently use EJ Private Hire [REDACTED]
[REDACTED] 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.

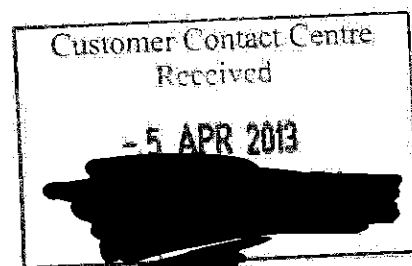
By doing so this would assist us in creating a very good impressive image to our customers and VIP visitors.

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

Yours Faithfully

[REDACTED]

Shirley Wordsworth
Human Resources



SELBY

IN THE VALE OF YORK

**SELBY DISTRICT COUNCIL
Licensed Private Hire Vehicle**

PHV

Vehicle Registration No

Make..... Colour

Licence Expires

This vehicle is exempt form the Display of Licence
Insignia - All enquires in respect of this licence
should be addressed to the Licensing
Department at Selby District Council,
Portholme Road,
Selby YO8 4SB