

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 3 FEBRUARY 2014**
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. Minutes

To confirm as a correct record the minutes of the Licensing Committee held on 2 December 2013 (pages 1 to 2 attached).

3. 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.

4. Procedure

To outline the procedure to be followed at the meeting (Pages 3 to 4)

5. Chair's Address to the Licensing Committee

6. Application for Private Hire Vehicle Licences in Respect of two Mercedes Benz Motor Vehicles

To receive the report of the Senior Enforcement Officer L/13/14 (pages 5 to 16 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/13/15 (pages 17 to 38 attached)

**Mary Weastell
Chief Executive**

Dates of next meetings
3 March 2014
7 April 2014
12 May 2014

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:	2 December 2013
Present:	Councillors R Sayner (Chair), K Ellis (Vice Chair), J Deans, Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs S Ryder, and J Thurlow
Apologies for Absence:	Mrs K McSherry (sub J Deans) and R Sweeting.
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer

33. MINUTES

It was agreed to amend the first paragraph under item 32 to correct the typographical error by replacing the word consultation with the word consulting.

RESOLVED:

To APPROVE the minutes of the Licensing Committee meeting held on 4 November 2013 and to be signed by the Chair.

34. DISCLOSURES OF INTEREST

There were no declarations of interest.

35. PROCEDURE

The procedure was noted.

36. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair reported that training would be arranged on Licensing Hearings for the Committee and substitutes. It was explained that the Senior Solicitor would be in touch with further details.

37. 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.

38. APPLICATION FOR A HACKNEY CARRIAGE LICENCE IN RESPECT OF A PARTICULAR VEHICLE

The Senior Enforcement Officer presented the **Report L/13/13** which outlined an application for a Hackney Carriage Licence in respect of a particular vehicle not fully accessible to the disabled. The applicant was in attendance.

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) To receive and note Report L/13/13.**
- ii) To APPROVE the application for a Hackney Carriage Licence in respect of the particular vehicle not fully accessible to the disabled.**

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/13/14

Agenda Item No: 6

To: Licensing Committee

Date: 3 February 2014

Author: Tim Grogan

Lead Officer: Tim Grogan

Summary:

Ross Potter has Private Hire Vehicle Licences (PHVL) in respect of a Mercedes Viano Ambiente and Mercedes S350 motor vehicles. He now applies that these licences be changed so that they be discreet in manner.

Recommendations:

That Councillors approve the issue of Private Hire Vehicle Licences in the form of discs identifying a Mercedes Viano Ambiente and Mercedes S350 in the form of discreet identification under the operation of Ross Potter.

1. Introduction and background

1.1 To bring to the attention of the Committee an application from Ross Potter, a licensed Private Hire Operator, who requests that Private Hire Vehicles licences he holds in respect of a Mercedes Viano Ambiente and a Mercedes S350 be changed so that that they be discreet in manner.

2. The Report

2.1 On Thursday 16 January 2014, Ross Potter applied to Selby District Council for Private Hire Vehicle Licences in respect of a Mercedes Viano Ambiente and a Mercedes S350 and that they be discreet in manner. His application was as a consequence of entreaties from a

number of his customers who called for an executive transportation service using vehicles not displaying a 'plate'.

- 2.2 Ross Potter was licensed by Selby District Council as a Private Hire Driver on 19 February 2013 and as a Private Hire Operator on 13 March 2013. He was granted Private Hire Vehicle licences in respect of a Mercedes Viano Ambiente on 14 August 2013 and a Mercedes S350 on 18 December 2013.
- 2.3 As a consequence of his operation he was approached by several customers who sought a more executive style of transportation.
- 2.4 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.
- 2.5 Three prospective business customers support this application and confirm this information in writing.
- 2.6 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.
- 2.7 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on fourteen previous occasions, although not all licences are currently in operation
- 2.8 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.
- 2.9 A copy of Ross Potter's email of application is attached together with four letters from his 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) An email of application Ross Potter
- (iii) Copy of Private Hire Vehicle Licence for Mercedes Viano Ambiente
- (iv) Copy of Private Hire Licence for Mercedes S350
- (v) Letter of support from the Archbishop of York's Office
- (vi) Letter of support from Delta Security
- (vii) Letter of support from Hethertons Solicitors
- (viii) Letter of support from Pryers Solicitors
- (ix) Copy of disc

Tim Grogan

From: Ross Potter [REDACTED]
Sent: 16 January 2014 16:05
To: Tim Grogan
Attachments: Hethertons Recommendation.pdf; Bishopthorpe Palace.pdf; Delta Reference.docx

Dear Tim

As discussed I would like apply for discreet licences for both my vehicles which are currently licensed through Selby District Council.

I have now been licensed for approximately 12 months and I have various contracts lined up that require a discreet license for their anonymity. This license will ensure that I am able to build up and develop my business as a professional chauffeur.

I have attached copies of 2 references and a recommendation that were originally sent through the post. I have asked for the third reference to be emailed directly to you - Pryers Solicitors.

If there is anything further that you require please contact me at anytime on [REDACTED]

Yours sincerely

Ross

Ross Potter

SELBY DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCE

The Selby District Council being the licensing authority under the
above Act **HEREBY LICENSE**

Mr Ross W Potter of

[REDACTED]

to use the vehicle detailed below as a Private Hire Vehicle

PLATE NUMBER [REDACTED]

for the period

from 14th August 2013 to 13th August 2014

This **LICENCE** is granted subject to the conditions set out in the Schedule(s) attached.
A fee of £179.00 has been paid for this licence.

Granted at the office of the said Council at

The Civic Centre, Doncaster Road, Selby, YO8 9FT

On 22nd August 2013

Solicitor To The Council

DETAILS OF VEHICLE

MAKE:	Mercedes
MODEL:	Viano Ambiente
REG. NO:	[REDACTED]
PASSENGERS:	7

SELBY DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENCE

The Selby District Council being the licensing authority under the
above Act **HEREBY LICENSE**

Mr Ross W Potter of

[REDACTED]

to use the vehicle detailed below as a Private Hire Vehicle

PLATE NUMBER [REDACTED]

for the period

from 18th December 2013 to 17th December 2014

This LICENCE is granted subject to the conditions set out in the Schedule(s) attached.
A fee of £157.00 has been paid for this licence.

Granted at the office of the said Council at

The Civic Centre, Doncaster Road, Selby, YO8 9FT

On 16th January 2014

Solicitor To The Council

DETAILS OF VEHICLE

MAKE:	Mercedes
MODEL:	S350
REG. NO:	[REDACTED]
PASSENGERS:	4

SCHEDULE OF CONDITIONS ATTACHED TO LN/000006209

1. No person shall use or permit the use of the vehicle to be used as a Private Hire Vehicle unless the plate issued by the Council in accordance with Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is exhibited on the vehicle and securely fixed in an upright position on the off-side of the rear bumper bar of the vehicle.
2.
 - i) At all times the Proprietor shall during the currency of this Licence keep in force in relation to the use of the vehicle has a Private Hire Vehicle a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
 - ii) The Proprietor of the Private Hire Vehicle shall, at the request of any authorised officer produce for inspection the vehicle licence and the certificate of the Policy of Insurance or security required by Part VI of the Road Traffic Act 1988.
3. The vehicle should not have an external roof light or sign.
4. No sign shall be displayed on or from the vehicle so as to lead any person to believe that it is a Hackney Carriage.
5. An efficient fire extinguisher shall be carried in such a position as to be readily available for use at all times.
6. Any radio, receiver or transmitter fitted within the vehicle must be licensed under the appropriate legislation currently in force.
7. The vehicle shall:
 - i) have sufficient means by which any person in the vehicle may communicate with the driver.
 - ii) have means of opening and closing not less than one window on each side.
 - iii) have proper cushioned or covered seats.
 - iv) have a proper carpet or suitable floor covering.
 - v) have means of securing luggage if the vehicle is constructed to carry luggage.
 - vi) have at least two doors for the use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.
8. The vehicle shall not be a licensed Hackney Carriage or Private Hire Vehicle of any other Council.
9. The Proprietor shall immediately notify the Council of the name of any other proprietor or person concerned in keeping, employing or letter for hire of the vehicle.
10. Upon change of Proprietor the Council shall be notified within 14 days of such change.
11. This licence is issued under the Local Government (Miscellaneous Provisions Act) 1976 and the licensee is bound by all relevant regulations, provisions and conditions therein.

NOTE

The issue of this licence does not in any way override any requirements under the Town and Country Planning Acts, Building Control Acts or any other relevant legislation in force in respect of the business use of the premises.

THE
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Alison Cundiff
Senior Secretary to the Archbishop of York

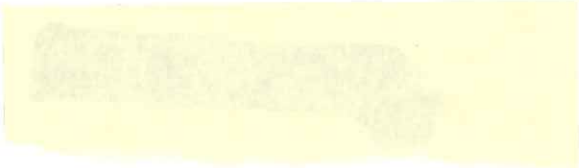
9 May 2013

To whom it may concern

On the occasions we have used Potters Chauffeurs we have been extremely impressed by the quality of service offered on both long and short haul journeys.

Potter Chauffeurs offer a friendly, flexible and highly professional chauffeur service at competitive rates. The vehicle used is immaculate and Ross Potter is careful to ensure his clients receive the utmost care and consideration throughout the journey.

We can certainly recommend Potters Chauffeurs as a solid and reliable supplier.





Registered Company Number: 6236690

Wednesday 20th November 2013

Dear Sirs,

Re: Application for a discreet private hire license

I am writing in relation to Mr Ross Potter of Potter Chauffeurs. I am aware that Mr Potter currently holds a private hire license with Selby District Council, I am also aware that under normal circumstances this license must be displayed at whilst this service is being supplied in registered vehicles.

However I also use Mr Potter as a the approved company supplier of transportation solutions in North Yorkshire and other areas, specifically I use Mr Potter to transport clients and others who have a need for Personal Security (PERSEC) and Operational Security (OPSEC). Primarily this is in the form of celebrities at large scale music events.

As I hope you can appreciate OPSEC and PERSEC are of paramount importance to not only my clients but also to the reputation of my company as a security provider. The very nature of Mr Potters prestige vehicles create interest when entering or leaving venues, when added to this the very visible private hire license that must be on display it can lead to unnecessary attention.

Further to this there has been on occasion, by the very nature of the passenger, been a requirement to create a sterile area around the vehicle as it has moved off site. This can lead to potential Health and Safety issues in the form of crowds, crushes and impact injuries to members of the public, however I believe that on these types of event the removal of the exterior license would be of benefit to all parties involved in the provision of this service.

If I can be of any further assistance in this matter please do not hesitate to contact me.

Kind regards,

Yours Sincerely,

Paul Lovatt

Managing Director

Delta Security & Event Management

paul@deltasecurity-eventmanagement.co.uk



Our Ref: STC/misc/19446/8

Your Ref:

Direct Tel:

Direct e-mail: stc@hethertons.co.uk



14 October 2013

TO WHOM IT MAY CONCERN

Tudor Court
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E: law@hethertons.co.uk
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also at
Boroughbridge

Dear Sirs

Potter Chauffeurs

We have used Potter Chauffeurs on several occasions and have been delighted with the high class service and luxury vehicles.

Ross Potter drives for the Partners of the firm to client appointments and to social events both in the local community and nationwide.

It is important to us that we are not perceived to arrive in a taxi and therefore would support Ross in his application for a discreet license. It would be advantageous for him to not have highly visible private hire plates on the vehicles to secure our future business.

Yours faithfully

A simple, handwritten signature mark consisting of a single, curved line.

Partners:
Simon Nellar
David Hallam
Simon Crack
Tom Henry

Associates:
Barbara Stephens
Toby Conyers-Kelly
Joanne Yeates
Claire Weatherley-Wright
Gillian Markland
Sarah Collier
Natasha Guest
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Our reference: MLB/MISCELLANEOUS
Please ask for: Marie Brasnett
Email: marie.brasnett@pryers-solicitors.co.uk
Date: 03/10/13

Pryers
SOLICITORS LLP

To Whom it may concern

Dear Sirs

Re: Potters Chauffeurs discreet Licence

We use Potters Chauffeurs regularly to chauffeur our clients and staff to important meetings and appointments.

This is an important service to our valued clients and for us to continue using Potter Chauffeurs it is vital that the vehicles look to be executive as opposed to taxis.

We hope that you will consider Mr Potter in his application for a discreet license.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Marie Brasnett-Mellor
Office Manager



Axiclaim

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