

## Minutes

### Licensing Committee

Venue:	Committee Room
Date:	3 November 2014
Present:	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.
Apologies for Absence:	None
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Gillian Marshall – Solicitor to the Council, and Glenn Shelley – Democratic Services Officer.

#### **34. MINUTES**

The Committee considered the minutes of the Licensing Committee held on 8 September 2014.

#### **RESOLVED:**

**To APPROVE the minutes of the Licensing Committee meeting held on 8 September 2014 and they be signed by the Chair.**

#### **35. DISCLOSURES OF INTEREST**

There were no declarations of interest.

#### **36. PROCEDURE**

The procedure was noted.

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

The Chair informed the Committee that the appeal by Christopher Claydon against a decision by the Council to refuse him a Hackney Carriage Licence had been rejected by York Magistrates Court.

### **38. PRIVATE SESSION**

#### **RESOLVED:**

**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.**

### **39. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE**

The Senior Enforcement Officer presented the Report L/14/17 which outlined an application for a Hackney Carriage Driver's Licence. It was noted that there was an error in the report as paragraph 2.2 should have referred to 23 March 2012 rather than 2010. The applicant was in attendance with his prospective employer.

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

#### **RESOLVED:**

**To GRANT the application for a Hackney Carriage Driver's Licence.**

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

The Senior Enforcement Officer presented the Report L/14/18 which outlined an application for a Private Hire Driver's Licence. 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 whether the application should be granted.

#### **RESOLVED:**

**To GRANT the application for a Private Hire Driver's Licence.**

### **41. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE**

The Senior Enforcement Officer presented the Report L/14/19 which outlined an application for a Hackney Carriage Driver's Licence. The applicant was in attendance with his prospective employer.

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

**RESOLVED:**

**To REFUSE the application for a Hackney Carriage Driver's Licence.**

**REASON FOR DECISION:**

**The applicant is not a fit and proper person to hold a Hackney Carriage Driver's Licence as he does not meet the Council's guidelines relating to the relevance of convictions.**

At this point, the Solicitor of the Council was invited to provide an update concerning the recent appeal decision involving JT Mellanbys at York Magistrates Court. The Solicitor of the Council explained that JT Mellanbys had won the appeal against the decision by the Council to revoke their premises licence. It was explained that the decision was due to the better presentation of evidence by JT Mellanbys than the Council and Police. The Committee were also informed that there had been a decision to award costs against the Council and this had amounted to £23,751.76.

The Committee raised their concern at the result and the awarding of costs and felt a contribution should be made by the Police due to their involvement in the case.

The meeting closed at 11.06am.