

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 3 NOVEMBER 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 8 September 2014 (pages 1 to 5 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 6 to 7)

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 a Hackney Carriage Driver's Licence

To receive the report of the Senior Enforcement Officer L/14/17 (pages 8 to 14 attached).

8. Application for a Private Hire Driver's Licence

To receive the report of the Senior Enforcement Officer L/14/18 (pages 15 to 21 attached).

9. Application for a Hackney Carriage Driver's Licence

To receive the report of the Senior Enforcement Officer L/14/19 (pages 22 to 28 attached).

**Jonathan Lund
Deputy Chief Executive**

Dates of next meetings
1 December 2014
5 January 2015
2 February 2015

Enquiries relating to this agenda, please contact Palbinder Mann on:
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Minutes

Licensing Committee

Venue:	Committee Room
Date:	8 September 2014
Present:	Councillors K Ellis (Chair), Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, D Peart (for R Sayner), Mrs S Ryder, R Sweeting and J Thurlow
Apologies for Absence:	R Sayner(sub D Peart).
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Gillian Marshall – Solicitor to the Council, Michelle Dinsdale – Policy Officer, Ralph Gill – Lead Officer, Revenues and Benefits and Glenn Shelley – Democratic Services Manager,

21. MINUTES

The Committee considered the minutes of the Licensing Committee held on 7 July 2014.

RESOLVED:

To APPROVE the minutes of the Licensing Committee meeting held on 7 July 2014 and they be signed by the Chair.

22. DISCLOSURES OF INTEREST

There were no declarations of interest.

23. PROCEDURE

The procedure was noted.

24. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair gave no address.

RESOLVED:

25. 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.

26. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Senior Enforcement Officer presented the Report L/14/12 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 REFUSE the application for a Private Hire Driver's Licence.

REASONS FOR DECISION:

The Disclosure and Barring Service Enhanced Certificate revealed a quantity and range of offences which gave reasonable cause for a belief that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

27. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE

The Senior Enforcement Officer presented the Report L/14/13 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 REFUSE the application for a Private Hire Driver's Licence.

REASONS FOR DECISION:

The Disclosure and Barring Service Enhanced Certificate revealed an offence which, after consideration of the relevant guidelines, gave reasonable cause for a belief that the applicant was not a fit and proper person to hold a Hackney Carriage Driver's Licence.

28. ISSUE CONCERNING THE BEHAVIOUR OF A PRIVATE HIRE VEHICLE DRIVER

The Senior Enforcement Officer presented the Report L/14/14 which outlined a complaint that had been received against a licenced Private Hire Vehicle Driver. The Committee considered whether the respective driver was a fit and proper person to drive a Private Hire Vehicle. The driver was in attendance.

Councillors were given the opportunity to question the driver in connection with the incident. The Committee discussed the matter and considered all the relevant issues.

RESOLVED:

To agree that the driver be given a warning about his future conduct for 12 months.

The meeting returned to public session.

29. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING POLICY

The Committee received the update report on the review of the Hackney Carriage and Private Hire Vehicle Licensing Policy.

The Committee heard that once approved, the Policy would provide guidance on the Council's requirements in relation to the issue and renewal of driver, vehicle and operator licences. The standards set out in the policy would be used by the Council to inform decision making.

The Committee discussed a number of areas for consideration for inclusion as part of the policy, these included the duration of licenses, wheel chair accessibility issues and a knowledge test.

RESOLVED:

i) To note the report.

30. LICENSING HEARING PROCEDURE AND CODE OF PRACTICE

The Committee considered the revised set of procedural guidelines for hearings. The Solicitor to the Council presented the report and set out the key areas such as the replacement of cross examination at Hearings with a time limited presentation. The Committee agreed that this represented its preferred approach. The Solicitor to the Council gave an overview of the Draft Code of Practice. The Committee asked that the Code of Practice be included within the ongoing changes to the Constitution.

RESOLVED

- i) To approve the revised procedural guidelines**
- ii) To approve the inclusion of draft Code of Practice in the constitutional amendments to be received by Council October 2014.**

At this point the Committee took a short recess.

31. 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.

32. APPLICATION FOR NON-DOMESTIC RATES HARDSHIP RELIEF

The Lead Officer, Benefits and Taxation presented the Report L/14/15 which outlined an application for Non Domestic Rates Hardship Relief.

The Committee discussed the matter and considered whether the application for relief should be granted.

RESOLVED:

To grant the application for Non Domestic Rates Hardship Relief.

33. APPLICATION FOR NON-DOMESTIC RATES HARDSHIP RELIEF

The Lead Officer, Benefits and Taxation presented the Report L/14/16 which outlined an application for Non Domestic Rates Hardship Relief.

The Committee discussed the matter and considered whether the application for relief should be granted.

RESOLVED:

To refuse the application for Non Domestic Rates Hardship Relief

The meeting closed at 1.20pm.

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.