

## Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY 1 DECEMBER 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 3 November 2014 (pages 1 to 3 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](http://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 4 to 5)

**5. Chair's Address to the Licensing Committee**

**6. Hackney Carriage and Private Hire Vehicle Licensing Policy**

To receive the report of the Policy Officer L/14/20 (pages 6 to 14 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 Private Hire Vehicle Driver**

To receive the report of the Senior Enforcement Officer L/14/21 (pages 15 to 19 attached).

**Jonathan Lund  
Deputy Chief Executive**

<b>Dates of next meetings</b>
5 January 2015
2 February 2015
2 March 2015

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

## 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.

## **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.



**Report Reference Number: L/14/20**

**Agenda Item No: 6**

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**To: Licensing Committee**

**Date: 01 December 2014**

**Author: Michelle Dinsdale, Policy Officer**

**Lead Officer: Michelle Dinsdale, Policy Officer**

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**Title:** Hackney Carriage and Private Hire Vehicle Licensing Policy.

**Summary:**

A report went before the Executive on 2<sup>nd</sup> October 2014 following a review of the Taxi Licensing Policy. At the meeting Members approved the draft policy for public consultation. This report provides details of the outcome of the consultation.

**Recommendations:**

Licensing Committee to note the content of this report.

**1. Introduction and background**

A formal consultation took place between 6<sup>th</sup> October and 14<sup>th</sup> November. Consultation focused on two areas.

Firstly, the duration of driver and operator licences, which the Council may be forced to change as a result of emerging legislation (Clause 9 of the Deregulation Bill). Best practice guidance suggests that councils issue licences for three years (for drivers) and five years (for private hire operators). Selby District Council currently issues driver and operators licences for one year.

Secondly, the conditions attached to the issuing of vehicle licences in relation to accessibility, where the Council is keen to ensure that a mixed fleet of vehicles are available to meet the needs of different passengers.



Under current policy all new vehicles which join the taxi fleet must be wheelchair accessible. The Council has the option to remove this requirement.

## **2. The Report**

As part of the consultation process, all currently licensed taxi and private hire drivers and operators were notified in writing of the consultation and invited to attend a meeting at the Civic Centre.

A total of twenty five trade representatives attended the event. Following the event further correspondence was also received from a number of those who attended the event.

Comments from the general public and the trade were also invited via an online survey.

A total of twenty six survey responses were received.

Generally respondents, both the public and the trade, were in favour of the Council issuing licences for longer than twelve months.

Comments received from both the public and the trade highlighted that both the elderly and disabled find it difficult to use wheelchair accessible vehicles. A number of respondents also commented that they thought there was currently a disproportionate ratio of wheelchair accessible vehicles. A number of the trade provided suggestions for policy options in relation to how the Council could address the issue of how to create and maintain a mixed fleet of vehicles.

At the time of writing, the consultation had just closed and Officers were still to carry out further detailed analysis of the responses however the responses are attached to this report.

## **3. Legal/Financial Controls and other Policy matters**

### **3.1 Legal Issues**

None at this time.

### **3.2 Financial Issues**

None at this time.

A pre-consultation equality, diversity, and community impact screening has been carried out, and an additional screening will be undertaken in respect of the results of the consultation and any proposed policy changes.

#### **4. Conclusion**

A comprehensive draft Hackney Carriage and Private Hire Vehicle Licensing Policy has been developed. The draft policy was subject to a six week public consultation. A good level of response was achieved. Officers are currently in the process of carrying out further detailed analysis of the responses.

**Contact Officer:** Michelle Dinsdale,  
Policy Officer  
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#### **Appendices:**

- (i) Consultation responses.

### **Letter received from a hackney carriage driver:**

I am writing with a quick suggestion as how to get more saloons on the rank. As we know there is a small need for rank wheelchair as opposed to private hire wheelchair, because most disabled ring for a vehicle.

My suggestion is to keep at least 10% of the rank taxi fleet, currently about 54, so at least 6 wheelchair rank taxis.

My suggestion is when a new operator applies for a plate it will still be a wheelchair taxi, however after 5 years service that person would be allowed a saloon vehicle, so long as there is at least 10% wheelchair taxis, if not he/she must stop as a wheelchair. It is not perfect, but I think it is fair.

### **Email received from a hackney carriage driver:**

As requested during our recent taxi and private hire licensing meeting I have a few recommendations to be discussed.

1. I believe any hackney driver with a business with more than 2 vehicles should be allowed a mix of saloon and disabled access vehicles which makes there business more capable to provide a full fleet for the public.
2. I believe there should be at least 3 or 4 hackney vehicles allowed on the rank of a people carrier base. ie ; to provide a service for large families who regularly need a 5 or 6 seater vehicle as most if not all the mini buses are not available during the daytime.
3. I believe the ruling regarding plates 1 to 19 should be scrapped as many of the plate numbers have been re-issued and therefore rendering this rule null and void. However should there be any older generation of drivers wishing to change their vehicle it should be based on an individual case with supporting evidence.
4. I do think in order to make a concious decision regarding the need for a fairer system and a more suitable fleet of vehicles for selby a survey should be carried out for 1 week during the day assessing the needs of the public.
5. I would suggest if anyone willing to keep or provide a wheelchair accessible vehicle could be entitled to a discount or subsidy towards their licensing costs. It would also require the council to have an up to date list every 3 months on the website with a list of all vehicles deemed wheelchair accessible.

I hope my points have given some food for thought. Can I also suggest that a hackney and private hire meeting could be scheduled at least quarterly or 4 monthly to give everyone a chance to iron out any issues regarding the job etc:

**Letter received signed by a number of drivers:**

As requested during our recent taxi and private hire licensing meeting I have a few recommendations to be discussed.

1. I believe any hackney driver with a business with more than 2 vehicles should be allowed a mix of saloon and disabled access vehicles which makes there business more capable to provide a full fleet for the public.

2. I believe the ruling regarding plates 1 to 19 should be scrapped as many of the plate numbers have been re-issued and therefore rendering this rule null and void. However should there be any older generation of drivers wishing to change their vehicle it should be based on an individual case with supporting evidence.

3. It would also require the council to have an up to date list every 3 months on the website with a list of all vehicles deemed wheelchair accessible.

## Taxi Consultation – Snap Responses

### Wheelchair Accessible Vehicles

Perhaps a survey amongst hackney carriage and private hire drivers with wheelchair access vehicles to determine how many customers actually require this service
I cannot comment on the number of wheelchair accessible vehicles against non-wheelchair accessible as you have not provided the information as to how many SDC have issued licences for
I thought the Disability Discrimination Act made it compulsory for all hackney carriages should be wheelchair accessible. People should not have to wait in case an accessible vehicle turns up. Any vehicle on a rank should be able to be used (The Disability Discrimination Act 1995 made provision for the Secretary of State to regulate relating to the accessibility of taxis for disabled persons, however the relevant regulations were never fully implemented and it is currently left to individual authorities to decide the proportion, if any, of the taxi fleet that should be wheelchair accessible).
As a wheelchair user I have not been able to book or get a taxi from the rank at all. They simply will not take my booking stating they are fully booked
If the head vehicle on the rank is not wheelchair accessible there is always one that is.
The demand for wheelchair accessible vehicles seems to be comfortably met by the present numbers
Too many drivers adapt their vehicles to get disability licence then undo adaptations
Not enough disabled passengers use the taxi rank. Cost for a wheelchair accessible vehicle are too much higher than cars
Not everyone wants to use a wheelchair accessible vehicle.
There are too many wheelchair vehicles but older people require easier vehicles to get into as the wheelchair vehicles are higher than a saloon car. There is a big need for family vehicles too (not minibus types) but more like small people carriers (Zafira, Galaxy and Scenics to name a few).
There should be a range of vehicle (all types) for the range of customers
There is very few wheelchair customers that would queue on the taxi rank. Alternatively they would chose to use the private hire sector therefore phone accordingly. The problems encountered by the more older customers is that the wheelchair vehicles are too high
Usually would telephone private hire more convenient to take them from home back to their home and many want to sit in normal seating anyway
It is wrong that a person can apply for a car due to hardship although a second hand wheelchair accessible vehicle are most of the time cheaper to buy than the cars they are applying to put on the rank.
One in four people have a disability not all are in wheelchairs but still need an appropriately accessible vehicle
I am writing this as a Hackney taxi driver. Today two elderly ladies approached my taxi as they couldn't manage getting into larger vehicles. Both ladies don't have internet access or the ability to take the survey online. The target demographic of the survey are unable to participate in it.

### **Duration of licences (driver and operator)**

Increasing to three years will mean less monitoring of drivers
Keep up your stringent vetting process for new taxi drivers to ensure full protection for the public
These need tight controls and should be renewed every year to stop the system being abused
Allows for operators to invest with the certainty they have secure employment for longer
We always have the option to revoke a driver or operator licence at any time so there is no point in going through the process every year.
Established firms and taxi drivers would I'm sure benefit from a reduction in red tape
Less paperwork
For taxi testing and fees could be more efficiently dealt with by receptionist at Access Selby to cut waiting time than having to take a ticket and wait with people with housing issues
It makes sense to issue licences for longer periods and also there is a call for a dual licence
Most companies offer a safe reliable service and Selby council checks are as good as anywhere. If operators and drivers have a good record a longer period should be no problem. DBS checks every 5 years same as NYCC
It is a long term business operation and will mean less paperwork, time away from work and help the job run smoothly
As a private hire driver I have found the Council to be very helpful and supportive. Reduce the admin time and therefore cost for everyone
I feel that annually is too often but perhaps 5 years is too long. Every three years would be better. As always SDC can monitor the drivers and revoke licences as deemed fit
It is a bit of a bind having to renew licences every year. We have to produce all sorts of paperwork each time which seems pointless as the Council already has all our details and we are under obligation to notify any changes
Checks need to be maintained on the suitability of the driver. Any changes need to be monitored.

### **Other general comments**

During term time it is near impossible to get a taxi between 7.30am and 8.45 am as they are all doing regular council work. It makes living near Selby almost as restrictive as the poor train services
Too many taxis on the rank not enough overspill places
Don't know how these taxi drivers make a living. See them everyday just queuing for hours at a time and not moving an inch. And it does not help the drivers when you are issuing licences to drivers that have full time jobs
Your current licensing policies are dated and the council is out of touch in general. I welcome your consultation and perhaps some of the rogue operators are brought to heel
Stop increasing the number of licensed plate (Hackney). To also be able to contact the council authorities for advice

## Taxi Consultation – Trade Event

### Wheelchair Accessible Vehicles

Restrict the number of wheelchair vehicles
Wheelchair vehicles are used by less than 1% of public. They will use private hire (telephone)
Many people especially the elderly will wait for a normal type taxi. Lower for them to step up to get in
Larger vehicles usually wheelchair take up more room on taxi rank
Elderly people find it difficult to get into wheelchair accessible vehicles and prefer saloons
If you have had a hackney wheelchair vehicle for over five years work on a basis of an option (only for hackney drivers)
A mixed fleet of saloons and wheelchair
70/30 split of vehicles - 70% saloon, 30% wheelchair
Anybody happy to have wheelchair vehicles have a possible subsidy from Council
Only one vehicle on my licence. Unable to adapt vehicle to suit, but will try to accommodate less able whenever possible
The 1% of people still need to have a right to travel (in response to comment above).
Taxi drivers should be aware of the vehicle in front of them when on the rank. If the vehicle in front is a rear loading access taxi the car behind should leave space

### Duration of licences

I am in favour of three years for driver's licences and five years for operators. Saves time all round
Extend to at least three years, any reason for licence to be cancelled needs to be reported anyway
I would prefer to pay 1 x 3 year licence. This would lessen my workload slightly, but would surely cut your office work
Three year driver licence yes! Providing we don't get stung to pay three times. Council only doing third of work

### Other comments

More people carriers (i.e. six seater) cars for small family
Cap on plates issued
A second garage to taxi test. Three weeks to wait is unacceptable
Not enough enforcement. Driver was in broad support of many of the proposed changes, but didn't trust that the council would be able to enforce the new issues.
Can we be flexible on whether drivers use their own GP?
Extra plates for trailers – necessary

North Yorkshire have minimum requirements for the length of ramps in wheelchair accessible vehicles. Should Selby also have a minimum requirement?
Issue with the wording of section 6.3 "Refusing to carry a disabled person is a criminal offence."
Suggestion that Reynolds check ramps are with any wheelchair accessible vehicle, and that ramps are stamped with vehicle registration numbers to avoid "borrowing" ramps.
Can the Council provide lanyards?
Agree with first aid kits becoming mandatory, but should be clear about what must be in the kit as a minimum.
Taximeters used to be tested on the measured mile, but this is not done anymore. The council's fee still claims to be for meter testing.
Medicals should be every five years for everyone, not just for over 45s
Section 1.3 - Illegal signage on several taxis
Section 3.2 - Our surgery (Posterngate) does not want to do medical exams so charges £180.00 each time. We can get this cheaper at other surgeries!
Section 5.12 - Refund not been paid
Section 5.2 - Small licence plate would be invisible on my cab which is London type cab (L.T.I.TXI). It is mounted in the back where it is visible to the passengers
Section 5.3 - My vehicle has two seats that face rearwards. The manufacturer does not see fit to fit seat belts to these seats. It is a purpose build taxi not a converted van.
Section 5.3 - This is the first time I have been told we must carry first aid kit. Is this to be so?
Section 5.8 - We are charged for our meters to be tested but this never happens. We should be recompensed for all the times the vehicle has been tested but <u>not</u> the meter.
Section 6.4 - Most of the taxis on our rank are wheelchair rear loading. This must be discussed.
Section 10.11- E-cigarettes are not 'smoked'. There is a host of definition in law of smoking.
Appendix B - Why an M.O.T. certificate on a brand new vehicle - not necessary.
Reynolds has the monopoly on taxi testing. Surely this should be out for tender annually. Also Tadcaster hackney carriage and private hire have to come a long way to be tested. Not fair! I have no argument with Reynolds but if they are testing taxis they should be aware of the laws relating to them. We should have a choice of testing centres.
Too many taxis (hackney carriage) in Selby. Not worth coming out to wait an hour for a £3.00 job and then waiting another hour for the same. Re-regulate.