



Agenda

Meeting: **LICENSING COMMITTEE**
Date: **FRIDAY 6 FEBRUARY 2015**
Time: **10.00AM**
Venue: **MEETING ROOM 2**
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 5 January 2015 (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.

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 Tariffs

To receive the report of the Senior Enforcement Officer L/14/25 (pages 6 to 22 attached).

Jonathan Lund
Deputy Chief Executive

| Dates of next meetings |
|-------------------------------|
| 2 March 2015 |
| 13 April 2015 |

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

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Minutes

Licensing Committee

| | |
|------------------------|---|
| Venue: | Committee Room |
| Date: | 5 January 2015 |
| Present: | Councillors R Sayner (Chair), Mrs S Duckett, Mrs C Mackman, B Marshall, Mrs K McSherry, D Peart (for K Ellis), Mrs S Ryder, R Sweeting and J Thurlow. |
| Apologies for Absence: | K Ellis and Mrs P Mackay. |
| Officers Present: | Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, Michelle Dinsdale – Policy Officer, Esta Innes – Graduate Trainee, Policy and Palbinder Mann – Democratic Services Officer. |

48. MINUTES

The Committee considered the minutes of the Licensing Committee held on 1 December 2014.

RESOLVED:

To APPROVE the minutes of the Licensing Committee meeting held on 1 December and they be signed by the Chair.

49. DISCLOSURES OF INTEREST

There were no declarations of interest.

50. PROCEDURE

The procedure was noted.

51. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair informed the Committee that a driver who had recently appeared before the Committee on 8 September 2014 had appealed the decision made

by the Committee and his case would appear before the Court at the end of January.

The Chair agreed to amend the running order of the agenda.

52. 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.

53. ISSUE CONCERNING THE BEHAVIOUR OF A HACKNEY CARRIAGE VEHICLE DRIVER

The Senior Enforcement Officer presented the Report L/14/24 which outlined a complaint that had been received against a licenced Hackney Carriage Vehicle Driver. The Committee considered whether the driver was a fit and proper person to drive a Hackney Carriage Vehicle within Selby District. The driver was in attendance.

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

RESOLVED:

To agree that no further action be taken against the driver

The meeting returned to public session.

54. DEVELOPMENT OF AND PROPOSED CONSULTATION ON A SCRAP METAL DEALERS POLICY

The Graduate Trainee, Policy presented the Report L/14/22 which set out the timeline for developing the Scrap Metal Dealers Policy including the proposed dates for public consultation.

The Committee were informed that one overall policy would be created and the policy would be taken to Executive for approval to go out to consultation. It was explained that Licensing Committee would get an opportunity to feed in comments on the draft policy at consultation stage and again post consultation before it was taken to Executive for adoption.

It was felt that it should be mentioned in the policy that vehicles collecting scrap metal should ensure compliance with the health and safety regulations.

RESOLVED:

To note the report.

55. TAXI LICENSING POLICY

The Policy Officer presented the Report L/14/23 which set out the draft Taxi Licensing Policy.

The Committee agreed that the recommendations made at the previous meeting should also be recommended to the Executive.

The Committee discussed the proposal to have a waiting list for drivers who wished to drive saloon vehicles which were not accessible to the disabled. It was stated that the waiting list should be ordered by length of service and behaviour. The Committee proposed a minimum length of service of five years.

RESOLVED:

To recommend to the Executive that the following amendments be made to the Policy:

- **There should be 60% to 40% split for wheelchair accessible vehicles rather than the 75% to 25% currently proposed.**
- **Only those drivers who have held a drivers licence with Selby District Council for a minimum of five years should be eligible to be added to the waiting list for a non-wheelchair accessible vehicle.**
- **There needs to be a system of spot checking to ensure ramps were provided by drivers and therefore it was suggested that each ramp should be marked with the registration number of the respective vehicle.**
- **There should be a learning test introduced for drivers in order that they can display the appropriate knowledge of the district before they commence driving.**
- **There should be an additional garage for taxi testing to allow greater flexibility for drivers.**

The meeting closed at 11.29am.

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 the applicant/appellant in writing of the decision of the Licensing Committee.

Public Session

Report Reference Number L/14/25 Agenda Item No: 6

**To: Licensing Committee
Date: 6 February 2015
Author: Tim Grogan, Senior Enforcement Officer
Lead Officer: Tim Grogan, Senior Enforcement Officer**

Hackney Carriage Tariffs

Summary:

Permission is sought to approve an increase in Hackney Carriage tariffs.

Recommendation:

That councillors consider the issue of Hackney carriage tariffs.

1. Introduction and background

1.1 To seek a decision from councillors regarding the issue of Hackney Carriage tariffs in terms of the fact that tariffs were last increased in 2013.

2. The Report

2.1 A review of Hackney Carriage tariffs takes place biannually. The Licensing Committee last approved an increase in Hackney Carriage tariffs on 5 January 2013, which were implemented on 1 April 2013.

2.2 As part of the consultation process letters were sent out to 53 Hackney Carriage proprietors on 15 September 2014. The closing date for replies was 10 November 2014. 14 replies were received.

2.3 Of the 14 replies received, 13 requested no change. The remaining reply requested that Tariff two be charged at all times rather than between 11pm and 7am.

2.4 As a consequence of the combined effects of 13 Hackney Carriage proprietors requesting 'no change' and 39 Hackney Carriage proprietors not responding at all the opinion of the Senior Enforcement

Officer is that the overall impression clearly manifests the view that the tariffs remain unchanged.

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 is a financial implication for the Council. The tariffs require to be advertised at a cost of £472.23.

4. Conclusion

That Councillors determine the application.

5. Background Documents

5.1 The current Hackney Carriage tariffs.

5.2 Copies of the 14 tariff returns

5.3 The Hackney Carriage tariff file is available in the Legal Section of the Council.

Contact Officer: Tim Grogan: tgrogan@selby.gov.uk

**SELBY DISTRICT COUNCIL
HACKNEY CARRIAGE FARE STRUCTURE**

CURRENT FARES

TARIFF ONE

DAYTIME 7am – 11pm
(Monday to Saturday)
£3.00 for the first ¼ mile
£1.60 for every mile thereafter
(10p every other 1/16 mile (110yards))

TARIFF TWO

NIGHT TIME 11pm – 7am.
(all day Sunday & Bank Holidays)
£3.50 for the first ¼ mile
£1.80 for every mile thereafter
(10p every other 1/18 mile (97¾yards))

WAITING TIME

£15.00 per hour (10p every 24 seconds)

WAITING TIME

£20.00 per hour (10p every 18 seconds)

TARIFFS 3 & 4 CHRISTMAS & NEW YEAR

Double the appropriate tariff
1800 hours 24 December to 0700 hours 27 December each year and
1800 hours 31 December to 0700 hours 2 January each year.

TARIFF 5 (to be used only when carrying 5 or more passengers in a vehicle licensed so to do).

Day & night time including Sundays & Bank Holidays
£4.00 for the first ¼ mile
£2.40 for every mile thereafter.

WAITING TIME

£20.00 per hour (10p every 18 seconds)

TARIFF 6 CHRISTMAS & NEW YEAR

Double Tariff 5
1800 hours 24 December to 0700 hours 27 December each year and
1800 hours 31 December to 0700 hours 2 January each year.

EXTRAS

CATS & DOGS

Carried at the Driver's discretion 20p

GUIDE DOGS

Free carriage

FOULING CHARGE

£50.00

HACKNEY TARIFFS 2014

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

Please do not increase fares, this would
reduce customers further, the drivers are
earning less and less due to lack of custom
and also too many taxis.

PLATE NO/S. 27

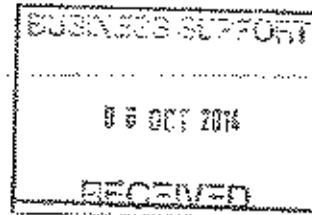
NAME IAN WARD

SIGNED 

DATE 4th October '14

HACKNEY TARIFFS 2014

1) NO CHANGE



2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

NO CHANGE: OUR FARES ARE O.K. AS THEY ARE AND
THE COST OF DIESEL SEEMS TO HAVE
STEADIED A BIT. SO LET'S JUST LEAVE AS IS.

PLATE NO/S. 20

NAME ROBERT E. NEWBY-BATTY.

SIGNED

DATE

4/10/14

HACKNEY TARIFFS 2014

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

CHANGE TO TARIFF 2 ALL THE TIME

PLATE NO/S. 32.

NAME MR G. G. HAWKSWORTH

SIGNED 

DATE 7-10-2014

HACKNEY TARIFFS 2014

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/\$. 12

NAME STEPHEN BEEVERS

SIGNED 

DATE 3/11/2014

HACKNEY TARIFFS 2014

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. 24

NAME GRAHAM ROSTON

SIGNED 

DATE 3/11/14

HACKNEY TARIFFS 2014


1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. W7

NAME JULIE MARSHALL

SIGNED 

DATE W. 11. 14.

HACKNEY TARIFFS 2014

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. 10 40 42

NAME AUDRA GRANT

SIGNED 

DATE 04/11/2014

HACKNEY TARIFFS 2014

1) NO CHANGE ✓

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. 35

NAME BILL NICHOLSON

SIGNED 

DATE 4/11/14

HACKNEY TARIFFS 2014

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. 9

NAME 167 TELLY

SIGNED 

DATE 06-11-14

HACKNEY TARIFFS 2014

1) NO CHANGE

JOHN RICHARDSON

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

NO CHANGE

PLATE NO/S. 15/23

NAME J RICHARDSON

SIGNED [REDACTED]

DATE 4/11/14

HACKNEY TARIFFS 2014

1) NO CHANGE ✓

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. 2

NAME B. LINNEN

SIGNED 

DATE 04-11-2014

HACKNEY TARIFFS 2014

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. 19

NAME Richard COLLINS

SIGNED 

DATE 4 - 11 - 14

HACKNEY TARIFFS 2014

1) NO CHANGE ✓

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. 34

NAME CHRIS BUIFF

SIGNED 

DATE 4/11/14

HACKNEY TARIFFS 2014

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

NO MORE PLATES TO BE ISSUED ONLY
SUGGESTION I WOULD MAKE,

PLATE NO/S. 38

NAME T STANTON

SIGNED 

DATE 4/11/14