



Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 8 JUNE 2015**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillors C Pearson (Chair), K Ellis (Vice Chair), Mrs J Chilvers, Mrs S Duckett, M Hobson, M Jordan, B Marshall, R Sweeting, J Thurlow and Mrs D White**

1. Apologies for absence

2. Minutes

To confirm as a correct record the minutes of the Licensing Committee held on 13 April 2015 (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. Start Time of Meetings 2015/16

To agree the start time of the Licensing Committee meetings for 2015/16.

5. Procedure

To outline the procedure to be followed at the meeting (pages 6 to 7 attached).

6. Chair's Address to the Licensing Committee

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 Hackney Carriage Vehicle Driver

To receive the report of the Senior Enforcement Officer L/15/1 (pages 8 to 19 attached).

9. Issue concerning the behaviour of a Hackney Carriage Vehicle Driver

To receive the report of the Senior Enforcement Officer L/15/2 (pages 20 to 33 attached).

10. Issue concerning the behaviour of a Hackney Carriage Vehicle Driver

To receive the report of the Senior Enforcement Officer L/15/3 (pages 34 to 37 attached).

**Jonathan Lund
Deputy Chief Executive**

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 Manager 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:	13 April 2015
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, Michelle Dinsdale – Policy Officer, Esta Inness – Graduate Trainee, Policy and Palbinder Mann – Democratic Services Manager.

67. MINUTES

The Committee considered the minutes of the Licensing Committee held on 2 March 2015.

It was agreed to make the following amendments:

- Under section 65, it was agreed to insert a comma in the first paragraph after the words 'Scrap Metal Dealers Policy'.
- The fifth bullet point should read 'that the information regarding the dealer's vehicle should be recorded'.
- The sixth bullet point should read 'what would happen if the licence holder changed his/her vehicle'
- The last paragraph should read 'The Committee was reminded'
- Under section 66, the last paragraph should read 'The Committee was reminded'
- Councillor Mrs C Mackman was present at the meeting however this had not been recorded.

RESOLVED:

Licensing Committee
13 April 2015

To APPROVE the minutes of the Licensing Committee meeting held on 2 March 2015 with the above amendments and they be signed by the Chair.

68. DISCLOSURES OF INTEREST

There were no declarations of interest.

69. PROCEDURE

The procedure was noted.

70. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

There was no address by the Chair.

The Chair decided to amend the agenda so that the items relating to taxi drivers were taken first.

71. 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.

72. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

The Senior Enforcement Officer presented the report L/14/28 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 GRANT the application for a Hackney Carriage Driver's Licence.

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

The Senior Enforcement Officer presented the report L/14/29 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:

To APPROVE the application for a Hackney Carriage Licence in respect of the particular vehicle not fully accessible to the disabled.

In response to issues raised during the discussion, the Committee requested that one representative from the Private Hire and Hackney Carriage trades should be invited to a future meeting with the Committee to discuss any issues the drivers may have. It was agreed a letter would be sent from Business Support once the representatives had been identified.

RESOLVED:

To request that Business Support send a letter to invite a representative from both the Private Hire and Hackney Carriage trade to a future meeting with the Committee.

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

As the respective driver was not able to attend the meeting, the Committee decided to defer the item to the next meeting of the Committee. However the Committee requested that the driver be informed that the matter will be considered at the next meeting irrespective of whether the driver is able to attend or not.

RESOLVED:

To DEFER the item to a future meeting however the driver be informed that the matter will be considered by the Committee irrespective of whether the driver is able to attend or not.

The Committee moved back into public session.

75. SCRAP METAL DEALERS POLICY CONSULTATION OUTCOME

The Graduate Trainee, Policy presented the Report L/14/27 which set out the draft Scrap Metal Dealers Policy.

The Committee raised concern that someone applying to be a scrap metal dealer in the district would not have to undergo a Disclosure and Barring Service (DBS) check to identify any previous incidents they had been involved in. It was felt there needed to be something included in the policy where the Council was allowed to check with neighbouring authorities on any past

incidents involving the applicant. It was agreed that the policy would be supported with the above comment and the previous comments made by the Committee.

RESOLVED:

To note the policy with the following comments:

- **Concern was raised at the definition of high sided vehicles and it was felt this was unenforceable.**
- **It was queried why a scrap metal dealer could not have a collection and site licence in the district. It was explained that it was defined in legislation that a dealer could have a site licence and collectors licence from another authority.**
- **It was queried whether there was a register which recorded if a scrap metal dealer had convictions or had enforcement action taken against them. It was agreed this would be looked into.**
- **Queries were raised regarding enforcement and prosecution during the term of the licence.**
- **The Committee were of the opinion that the information regarding the vehicle of the dealer should be recorded.**
- **It was felt further information needed to be included to highlight what would happen if the licence holder changed their vehicle.**
- **There needed to be a process in which the Council could check the past history of applicants with neighbouring authorities or the formal process of a DBS check.**

76. TAXI LICENSING POLICY

The Committee considered the presentation of evidence to the Executive on the Taxi Licensing Policy following the decision by the Scrutiny Committee on the call in to refer the decision regarding the Policy back to the Executive.

In response to a query, the Committee were reminded that a re-consultation could not take place. It was also stated that there should not be any biased questioning of taxi drivers if evidence was being gathered.

The Committee were reminded that officers could assist in collating evidence provided by the Committee and that any evidence needed to be provided by 21 May 2015 if it was to be considered by the Executive.

The meeting closed at 11.31am.

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.