

# Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY 2 NOVEMBER 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 7 September 2015 (pages 1 to 9 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 10 to 11 attached).

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

**6. Licensing Policy – North Yorkshire Police**

To meet representatives of the Licensing Team at North Yorkshire Police, and to receive information about its Licensing objectives.

**7. Licensing Statistical and Performance Report April to Sept 2015**

To receive and note report L/15/14 from the Solicitor to the Council which provides the Committee with an update on the delivery of the Licensing Service at the Council (pages 12 to 17 attached).

**8. Protocol for the exercise of delegated authority to officers of the Enforcement Section to issue warnings to Hackney Carriage and Private Hire vehicle drivers and operators.**

To receive report L/15/15 from the Senior Enforcement Officer which asks the Committee to approve a protocol for the delegated authority to the Council's Enforcement Officers to issue verbal and written warnings to licensed Hackney Carriage and Private Hire drivers and operators for lower-level offences (pages 18 to 21 attached).

**9. 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 items as there will be disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12(A) of the Act.**

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

To receive the report of the Senior Enforcement Officer L/15/16 and to consider if the individual remains a fit and proper person to hold a Hackney Carriage Driver's Licence (pages 22 to 34 attached).

**Jonathan Lund  
Deputy Chief Executive**

Enquiries relating to this agenda, please contact Daniel Maguire on:  
Tel: 01757 292247 Email: [dmaguire@selby.gov.uk](mailto:dmaguire@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:	Monday 7 September 2015
Time:	10.00am
Present:	Councillors C. Pearson (Chair), K Ellis (Vice-chair), D Buckle (Sub. for M Hobson), Mrs J Chilvers, Mrs S Duckett, M Jordan, B Marshall, R Sweeting, J Thurlow and Mrs D White.
Officers Present:	Gillian Marshall, Solicitor to the Council; Tim Grogan, Senior Enforcement Officer; Daniel Maguire, Democratic Services Officer; Lee Taylor, Policy Intern and Tiffanni Edwards, Legal Intern.
Apologies for absence:	Councillor M Hobson.
Press:	0
Public:	0

#### 16. MINUTES

The Committee considered the minutes of the Licensing Committee held on 6 July 2015. It was noted that the Committee had raised concerns about the use of Meeting Room 2 due to the Committee Room being unavailable.

**RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 6 July 2015.**

#### 17. DISCLOSURES OF INTEREST

Councillor Marshall declared an interest in agenda item 13 as he had a personal connection to the Hackney Carriage driver and advised that he would leave the meeting during the consideration of this item.

Councillor Duckett declared a personal interest in agenda item 13 as she had been a witness in a previous case relating to the Hackney Carriage driver referred and advised that she would leave the meeting during the consideration of this item.

## **18. PROCEDURE**

The Committee noted the Licensing Committee procedure.

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

The Chair thanked members for their attendance at the update session on changes arising from the Deregulation Act 2015 that had preceded the meeting.

The Chair agreed to amend the agenda so that agenda items 10 to 15 inclusive would be considered first in order to minimise the waiting time for witnesses.

## **20. APPLICATION FOR A DISCREET PRIVATE HIRE VEHICLE LICENCE (REPORT L/15/9)**

The Committee were advised that the applicant had offered his apologies to the Committee for not being able to attend due to a pre-arranged foreign holiday. The applicant had asked that the application be heard in his absence. An email from the applicant was circulated which included photographs of the vehicle concerned.

### **RESOLVED:**

**To consider the application in the absence of the applicant.**

The Senior Enforcement Officer presented the report (L/15/9) and explained that the application was for a Private Hire Vehicle Licence in the form of a discreet identification badge. The Committee was informed that the application followed the granting of two previous discreet licences to the same applicant. It was explained that this further licence was requested due to the increasing demand for executive-style transport. The Committee was advised that the Council was permitted to issue such a licence, and that the Council had done so on fifteen previous occasions since 16 August 2004.

The Committee was given the opportunity to question the Senior Enforcement Officer in connection with the application.

The Senior Enforcement Officer left the room while the Committee discussed the matter and made its decision

**RESOLVED:**

**To grant the application for a discreet Private Hire Vehicle Licence to Mr Ross Potter as outlined in report L/15/9.**

**21. PRIVATE SESSION**

**RESOLVED:**

**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 described in paragraphs 1, 2 and 7 of Schedule 12(A) of the Act.**

**22. ISSUE CONCERNING THE BEHAVIOUR OF A HACKNEY CARRIAGE VEHICLE DRIVER (REPORT L/15/10)**

The Hackney Carriage driver was in attendance confirmed that he understood the procedure.

The Senior Enforcement Officer presented the report L/15/10, which detailed a complaint received against the driver concerned. The complaint related to an incident on 24 June 2015 which resulted in a confrontation between the complainant and the Hackney Carriage driver.

The driver informed the Committee of an error in the report, which was noted and the Committee disregarded the incorrect information. A statement from the driver and accompanying photographs relating to the complaint were circulated.

The Committee was given the opportunity to question the Senior Enforcement Officer and the driver in connection with the incident.

The Senior Enforcement Officer and the driver left the room while the Committee discussed the matter and made its decision

**RESOLVED:**

**To issue the Hackney Carriage driver with a verbal warning which would remain on the driver's file for a period of six months and ask that he send a letter of apology to the complainant.**

**The Committee stated that having considered all the evidence before it, the Committee considered that the actions of the driver raised concerns about his ability to be a 'fit and proper person' to hold a Hackney Carriage drivers licence. The Committee agreed that:**

- **a confrontation did take place between the complainant and the driver concerned, and that the complainant was upset as a result of this**
- **the Committee expect Hackney Carriage drivers to conduct themselves in a professional manner when dealing with members of the public**

The driver was invited back into the meeting and the Solicitor to the Council advised him of the Committee's decision.

As a result of the discussion, the Committee considered that the problems identified relating to parking and loading on James Street, Selby should be raised at the Selby Area Committee of North Yorkshire County Council.

**RESOLVED:**

**To ask Councillors to raise the issues relating to parking and loading on James Street, Selby at the meeting of the Selby Area Committee on 14 September 2015.**

**23. ISSUE CONCERNING THE BEHAVIOUR OF A HACKNEY CARRIAGE VEHICLE DRIVER (REPORT L/15/11)**

Following their earlier declaration, Councillors Marshall and Mrs Duckett left the meeting for the consideration of this item and did not take part in the discussion or vote.

The Hackney Carriage driver was in attendance and confirmed that he understood the procedure.

The Senior Enforcement Officer presented report L/15/11, which detailed a complaint received against the driver concerned. The complaint related to an incident on 1 July 2015.

The Committee was given the opportunity to question the Senior Enforcement Officer and the driver in connection with the incident.

The Senior Enforcement Officer and the driver left the room while the Committee discussed the matter and made its decision

**RESOLVED:**

**To issue the Hackney Carriage driver with a written warning which would remain on his file for a period of six months.**

**The Committee stated that having considered all the evidence before it, the Committee considered that there had been a refusal of a fare and that the actions of the driver raised concerns about his ability to be a 'fit and proper person' to hold a Hackney Carriage drivers licence.**

The Hackney Carriage driver was invited back into the meeting and the Solicitor to the Council advised him of the Committee's decision.

#### **24. ISSUE CONCERNING THE BEHAVIOUR OF A PRIVATE HIRE DRIVER (REPORT L/15/12)**

The Private Hire driver was in attendance with his employer and confirmed that he understood the procedure.

The Senior Enforcement Officer presented report L/15/12, which detailed a complaint received against the driver concerned. The complaint related to an incident on 15 July 2015.

Letters of support for the driver were circulated to the Committee. The Committee was given the opportunity to question the Senior Enforcement Officer and the driver in connection with the incident. The driver's employer made representations on his behalf.

The driver, his employer and the Senior Enforcement Officer left the room while the Committee discussed the matter and made its decision

#### **RESOLVED:**

**To issue the Private Hire driver with a verbal warning which would remain on the drivers file for a period of six months.**

**The Committee stated that having considered all the evidence before it, it considered the actions of the driver raised concerns about his ability to be a 'fit and proper person' to hold a Private Hire drivers licence. The Committee acknowledged the good references and representations made on behalf of the driver and believed that a verbal warning would help the driver to remain a 'fit and proper person' to hold a Private Hire drivers licence.**

The Private Hire driver was invited back into the meeting and the Solicitor to the Council advised him of the Committee's decision.

#### **25. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE (REPORT L/15/13)**

The applicant was in attendance and confirmed that he understood the procedure.

The Senior Enforcement Officer presented report L/15/13, which related to an application for a Hackney Carriage Driver's Licence. It was explained that a Disclosure and Barring Service (DBS) check had raised concerns about the



ability of the applicant to be a 'fit and proper person', this being a requirement to be granted a Hackney Carriage Driver's Licence.

The Committee was given the opportunity to question the applicant and Senior Enforcement Officer in connection with the application.

The Senior Enforcement Officer and the applicant left the room while the Committee discussed the matter and made its decision

**RESOLVED:**

**To REFUSE the application as the DBS check raised concerns about the applicant's ability to fulfil the requirement of being a 'fit and proper person' to hold a Hackney Carriage Driver's Licence, in accordance with the Council's Licensing Policy guidelines and specifically the requirement for a period of between three and five years to have elapsed from the date of a conviction.**

The applicant was invited back into the meeting and the Solicitor to the Council advised him of the Committee's decision. It was confirmed that a letter would be sent advising of the rights of appeal.

**26. DURATION OF MEETING**

During the discussion of agenda item 15, in accordance with rule 9 of the Council procedure Rules, the Chair proposed that the meeting be permitted to continue beyond three hours.

**RESOLVED:**

**To continue beyond three hours to ensure all business is concluded, subject to a short break.**

*The Meeting adjourned for a fifteen minute break between 12.55pm and 1.10pm. Councillor Buckle presented his apologies to the Chair and did not return to the meeting after the break.*

**27. PUBLIC SESSION**

**RESOLVED:**

**To return to public session.**

**28. DELEGATION OF AUTHORITY TO SUSPEND PREMISES LICENCES AND CLUB PREMISES CERTIFICATES FOLLOWING NON-PAYMENT OF ANNUAL FEES (REPORT L/15/5)**

The Solicitor to the Council presented report L/15/5 which asked the Committee to give delegated authority to the Solicitor to the Council and the Lead Officer (Debt Control and Enforcement) to suspend premises licences and club premises certificates following the non-payment of annual fees and to amend the constitution to reflect this authority.

It was noted that the ability to suspend relevant licences and certificates in cases of non-payment would greatly assist the Council in managing debt control, and that delegating authority would allow such matters to be dealt with expediently in the best interest of the Council. It was reported that some establishments were in arrears by as much as three years.

**RESOLVED:**

**To give delegated authority to the Solicitor to the Council and the Lead Officer (Debt Control and Enforcement) to suspend premises licences and club premises certificates following non-payment of annual fees and to amend the Constitution to reflect this authority.**

**29. REVIEW OF LICENSING POLICY (REPORT L/15/6)**

The Senior Enforcement Officer presented report L/15/6 which updated the Committee on the periodic review of the Council's Licensing Policy. A draft version of the policy was circulated and the Committee was asked to provide comments and observations to the Solicitor to the Council. It was explained that the policy would go through a formal consultation between 14 September and 26 October, with a final version being put to Council on 1 December.

It was noted that, after adoption of the policy by Council, the Licensing Committee will be bound by the policy and subsequent decisions would need to be referenced to the policy. Consequently, the Committee was encouraged to make submissions to the consultation.

The Solicitor to the Council advised that North Yorkshire Police had indicated that officers would be available to address the Committee in relation to the Licensing Policy at a later date.

**RESOLVED:**

- i) To receive the report, note its contents and assess the draft Licensing Policy prior to it being presented to Council on 1 December 2015.**
- ii) To invite a representative of North Yorkshire Police to attend the October meeting of the Licensing Committee to discuss the Licensing Policy.**

### **30. EFFECT OF DEREGULATION ACT 2015 ON HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING (REPORT L/15/7)**

The Senior Enforcement Officer presented report L/15/7 which updated the Committee on changes to Hackney Carriage and Private Hire licensing as a result of the Deregulation Act 2015 which comes into effect on 1 October 2015. The Committee were notified of two specific changes that would affect Hackney Carriage and Private Hire licensing:

- Section 10 of the Act stated that the standard duration of all Hackney Carriage and Private Hire driver licences would be three years, and the duration of Private Hire operator licences would be five years. It was explained that shorter durations could be granted, but only on a case-by-case basis, and only where a shorter duration could be justified. It was explained that currently the standard duration was for one year, although under the new provisions Driver and Vehicle Licensing Agency (DVLA) licence checks would still be made annually and Disclosure and Barring Service (DBS) checks would continue to be three-yearly.
- Section 11 of the Act stated that Private Hire operators would be able to sub-contract bookings to operators licensed in a different authority area. It was explained that in response to this, the Council would seek to maintain and enhance relationships with neighbouring Licensing Authorities.

#### **RESOLVED:**

**To receive and note the report.**

### **31. ENFORCEMENT EVENING (REPORT L/15/8)**

The Senior Enforcement Officer presented report L/15/8 which updated the Committee on an Enforcement Evening held in Selby on 14 August 2015 between 7pm and 10.30pm. The Committee was informed that the evening was a multi-agency operation involving enforcement officers from Selby District Council, North Yorkshire Police and the Driver and Vehicle Standards Agency (DVSA). It was explained that during the evening fourteen drivers and vehicles were examined with the following results

- Ten were found to have no faults.
- three were found to have minor faults; and
- one received a prohibition notice (this was rectified at the scene and the notice was removed). It was reported that this demonstrated very high standards amongst licensed vehicles and drivers in Selby district.

The Senior Enforcement Officer advised that similar operations will be conducted in the future, but that the involvement of the Police was essential

as only the Police had the power to compel a driver to stop his/her vehicle. Additionally, the Committee was informed that the DVSA would only attend if there was a Police presence.

**RESOLVED:**

**To receive and note the report.**

The meeting closed at 1.35pm.

## **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 an opportunity to say anything that they wish to say 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 Committee Section will inform in writing to the applicant the decision of the Licensing Committee.



## Public Session

Report Reference Number L/15/14

Agenda Item No: 7

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**To:** Licensing Committee  
**Date:** 2 November 2015  
**Author:** Gillian Marshall, Solicitor to the Council  
**Lead Officer:** Helen McNeil, Lead Officer Debt Control and Enforcement

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**Title:** Licensing Statistical and Performance Report April to Sept 2015

### Summary:

Licensing Committee has requested regular updates on the delivery of the Licensing Service at Selby District Council. This report provides the first such report. It is intended to provide these reports on a six-monthly basis.

### Recommendations:

- i. To note the report

### Reasons for recommendation

To ensure that Licensing Committee receives up to date information on the licensing service

#### 1. Introduction and background

- 1.1 The Licensing Committee has requested regular updates on the numbers of licences issued by the Council and the performance of the Service.

#### 2 The Report

- 2.1 The licensing service at Selby is delivered within 3 teams; business support, debt control and enforcement and legal.
- 2.2 Applications are received by and processed within the business support service. The team deals with all licence applications and liaison with statutory consultees and key stakeholders. Where issues are raised in the application

process the business support team will refer the matter to either the Senior Enforcement Officer or the Solicitor to the Council for guidance.

- 2.3 The Debt Control and Enforcement Team are responsible for all licensing related enforcement and complaints, provision of advice to the business support team and for liaison with the trade. Work is predominantly done by the Senior Enforcement Officer but he is supported in the role by other staff in the team.
- 2.4 The legal team provides support and guidance to the licensing service, both to officers exercising functions and to the Committee. The Solicitor to the Council provides advice to the business support and debt control and enforcement teams, advises Licensing Committee and checks licences and authorises them before issue. The legal team deals with any appeals against licensing decisions.
- 2.5 The volume of licences issued or renewed by the Council in the reporting period is shown in the table at Appendix A. Licensing Committee will note the numbers of licences included and that by volume taxi and private hire licensing and alcohol and entertainment licensing are the biggest areas. The reporting period includes a number of Bank Holidays and national/regional sporting events which may influence the volumes of temporary event notices.
- 2.6 Many of the licences are subject to statutory timetables for the decision making process. The statutory timetable is adhered to. The Lead Officer – Business Support monitors those licences where no statutory timetable exists as this gives an overall picture. Performance information is included at Appendix B. Licensing Committee will note that in the six month period 39 taxi/private hire licences were issued with an average turn round time of 2.25 days against a target of 5 days. For street trading consents the average turn round time is 2.7 days against a target of 8 days.
- 2.7 In terms of licensing issues, the Enforcement Section can report that there were 29 matters submitted for investigation between 1.4.15 and 1.10.15. These involved 12 matters relative to taxi licensing and 17 complaints in connection with public houses.
- 2.8 The taxi issues concerned: 8 driver complaints; 2 hackney driver applications; 1 hackney carriage application; 1 private hire vehicle application. These matters were heard by the various Licensing and Appeals Committee meetings held during this period. 1 driver was suspended from driving and 1 hackney carriage driver's application was refused. In addition, 5 reports were submitted variously for approval or noting.
- 2.9 The licensing issues concerned issues of noise nuisance and rowdy behaviour and each was dealt with by: an interview, advice being given and confirmation of this process by sending the licence holder a warning letter.



- 2.10 One multi agency enforcement evening was held in the period. This was reported to Committee in September.
- 2.11 No appeals have been lodged against Committee decisions in the reporting period.
- 2.12 Officers have been working to implement the Taxi Licensing Policy approved in June 2015 and have been working with colleagues in the Policy Team on the revised Alcohol and Entertainment Licensing Policy.

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

#### **Legal Issues**

- 3.4 None Raised

#### **Financial Issues**

- 3.5 None Raised

#### **Impact Assessment**

- 3.6 None Raised

### **4. Conclusion**

- 4.1 That the Service is operating appropriately

### **5. Background Documents**

None

*Contact Officer:*

*Gillian Marshall  
Solicitor to the Council  
Selby District Council  
gmarshall@Selby.gov.uk*

#### **Appendices:**

*Appendix A - Number of Licences issued 1/4/2015 to 31/8/2015*

*Appendix B – Licensing Indicators, Performance Report*

<b>Number of Licences issued 1/4/2015 to 31/8/2015</b>	
Premises – new, variation and transfer and DPS variation	57
Personal	30
Temporary Event Notice	99
Acupuncture, Electrolysis, Tattooist, Ear Piercing and Cosmetic Piercing	1
Animal Boarding – new and renewals	2
Restricted Animal Boarding – new and renewals	1
Dangerous Wild Animals – new and renewals	0
Dog Breeding – new and renewals	0
Pet Shops – new and renewals	1
Riding Establishments – new and renewals	6
Street Trading – new and renewals	7
Gaming Permit	0
Betting (non-track)	0
Scrap Metal – Site and collectors	1
Caravan Sites	0
Lottery – new and renewals	9
Street Collections	91
House to House	13
<b>Taxi Licences</b>	
Hackney Carriage Driver	32
Hackney Carriage Vehicle	30
Private Hire Driver	57
Private Hire Operator	18
Private Hire Vehicle	43

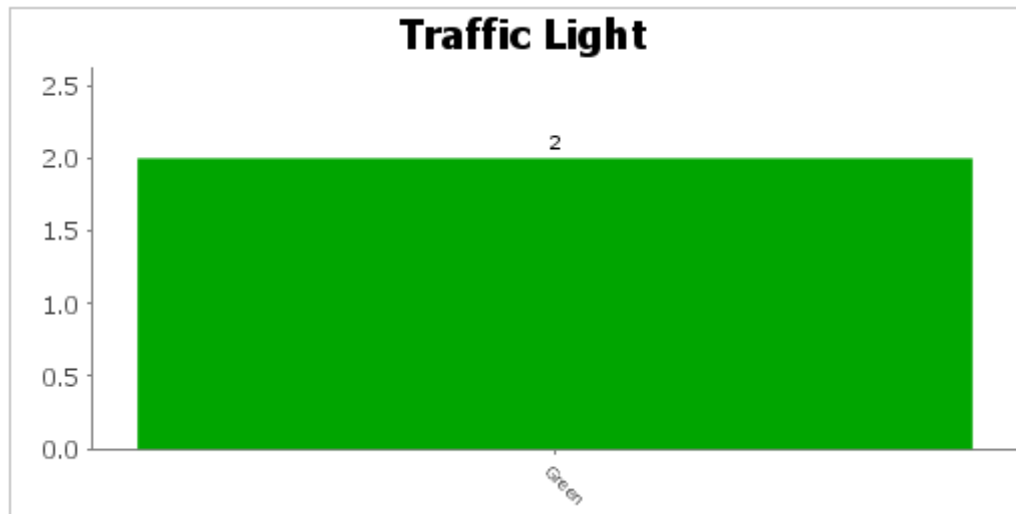
# Licensing Indicators Q1 & Q2

Report Type: PIs Report  
 Report Author: Gillian Bruce  
 Generated on: 08 October 2015





PI Status		Long Term Trends		Short Term Trends	
	Alert		Improving		Improving
	Warning		No Change		No Change
	OK		Getting Worse		Getting Worse
	Unknown				
	Data Only				

Rows are sorted by Code



## Responsible OUs Business Support

Code	Short Name	Direction of Travel	Current Target	Current Value	Traffic Light Icon	Notes & History Latest Note
MI_BS_LI002	Average length of time taken to process Taxi Licences	Aim to Minimise	5 days	2.25		During quarter 2 a further 39 licences have been processed with an average turnaround time of 2.1 days. Of these, 32 applications were for renewals and 7 were new licence applications. Year to date, 72 applications have been processed with an overall average turnaround time of 2.25 days.
MI_BS_LI003	Average length of time to process Street Trading Licences	Aim to Minimise	8 days	2.70		During the second quarter 3 further applications have been dealt with made up of 2 renewals in August and one new application in September. The new application took 14 days to follow through the process as expected, which still keeps performance well within target year to date. Peaks for renewals include October which is likely to bring the average processing time down. The totals for quarters 1 and 2 show that year to date the team have dealt with 6 applications in total (5 renewals and 1 new application)



## Public Session

Report Reference Number: L/15/15

Agenda Item No: 8

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**To:** Licensing Committee  
**Date:** 2 November 2015  
**Author:** Tim Grogan: Senior Enforcement Officer  
**Lead Officer:** Helen McNeil: Lead Officer, Debt Control & Enforcement

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**Title:** Protocol for the exercise of delegated authority to officers of the Enforcement Section to issue verbal and written warnings to existing hackney carriage and private hire vehicle drivers and operators.

### Summary:

Selby District Council's Constitution Part 3 (Responsibility for Functions) currently directs that the Licensing and Appeals Committee and the Lead Officer for Enforcement both have the authority to exercise all the licensing and enforcement functions of the Council relating to, amongst other things, taxis. With regard to these functions it is suggested that 'advisory warnings' and 'lower level warnings' be carried out by officers of the Enforcement Section. Repetition of advisory and lower level offences and those offences of a higher level or those more serious transgressions will continue to be heard by the Licensing and Appeals Committee.

### Recommendations:

To approve the protocol setting out when officers of the Enforcement Section may issue verbal and written warnings to existing hackney carriage drivers and private hire vehicle drivers and operators, without referring the matter to the Licensing and Appeals Committee.

#### 1. Introduction and background

It is the custom and practice of this Authority normally to deal with enforcement matters relating to existing licence holders either by means of taking matters before the Courts and/or the Licensing and Appeals Committee. As a consequence issues of an extremely trivial nature can be heard by the Committee giving the appearance of a disproportionate response.

## 2. Report

- 2.1 Selby District Council's Constitution Part 3 deals with the Responsibility of Functions and authorises the Licensing and Appeals Committee to exercise licensing and enforcement functions to the Council relating to, amongst other things, taxis. In addition, the Lead Officer of Enforcement has similar authority. However, matters of noncompliance are almost always dealt with by Committee when they are not serious enough to be processed by the Courts.
- 2.2 The expectation of the Authority is that any person who holds a licence to operate Hackney Carriages or Private Hire Vehicles on its behalf meets with the definition of a 'fit and proper' person. Such persons maintain close contact with the public and are therefore **not** expected to behave or act in a manner that:
- cause any person to take offence at their actions
  - cause any person to believe their actions are inappropriate
  - cause any person to fear for their safety
  - cause any person to doubt their integrity
  - brings in to disrepute the integrity of the Council for having granted such a person a licence
  - fails to adhere to the conditions and regulation pertaining to the licence
- 2.3 The current position means that there is a gap where there is no facility to deal with issues that are not serious enough to proceed to either the Courts or the Licensing and Appeals Committee but require to be addressed. These cases could be dealt with by way of a verbal or written warning from an appropriate officer with the necessary authorisation.
- 2.4 To respond to this situation it is proposed that a protocol be created whereby such officers deal with less serious issues in the following manner:
- **Advisory warning**; verbally given to an individual where although an offence has been committed it was not serious enough to warrant a **lower level warning** but the matter is nevertheless unacceptable and has created concern to the Council as to that person's suitability to hold a licence. If in the future similar behaviour is illustrated the consequences could be more severe; possibly leading to an escalation of the warning or an appearance before the Licensing and Appeals Committee.
  - **Lower level warning**; necessitating a letter being sent advising that although an offence has been committed it was not serious enough to warrant an appearance before the Licensing and Appeals Committee. However, if in future similar behaviour is illustrated the consequences could be an appearance before this Committee.

2.5 It is intended that such warnings be copied to both the Legal Department for information and to Business Support to be recorded on the licensed driver's personal file. These warnings will be held indefinitely as they may be relevant in terms of any future offending or the waiting list in relation to operating a saloon hackney carriage.

2.5 Examples of such behaviour could be as follows:

- **Advisory warning;**
  - (i) failing to wear identification badge,
  - (ii) displaying plate in wrong position,
  - (iii) displaying broken plate
  - (iv) rude to a customer who does not wish to make a formal complaint but requests that driver be advised,
  - (v) driving without due care or reasonable consideration to other road users
  - (vi) Untidy and/or dirty vehicle (internal/exterior)
- **Lower level warning;**
  - (i) repetition of any of above or similar such offence
  - (ii) rude to Councillor, Council employee or garage staff, where complainant requests such action
  - (iii) parking illegally
  - (iv) failure to fulfil booking

2.6 In conclusion it is the over-riding consideration of Selby District Council to protect the public. Having considered and applied the appropriate guidelines the authorised officer will determine **each case on its merits**. Where there is any doubt as to how to deal with an issue advice will be sought from the Legal department.

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

#### 3.1 Legal Issues

None at this time.

#### 3.2 Financial Issues

None at this time.

### **4. Conclusion**

That Councillors consider and approve the protocol..

### **5. Background Documents**

None.

*Contact Officer:*

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