

Minutes

Licensing Committee

Venue:	Committee Room
Date:	Monday 2 November 2015
Time:	10.00am
Present:	Councillors K Ellis (Chair), D Buckle (Sub for C Pearson), Mrs J Chilvers, Mrs S Duckett, M Hobson, M Jordan, B Marshall, R Sweeting, J Thurlow and Mrs D White.
Apologies:	Councillor C Pearson.
Officers present:	Gillian Marshall, Solicitor to the Council; Tim Grogan, Senior Enforcement Officer (agenda items 7 to 10); and Daniel Maguire, Democratic Services Officer
Public:	0
Press:	0

32. MINUTES

The Committee considered the minutes of the Licensing Committee held on 7 September 2015. The minutes were approved and then signed by the Chair.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 7 September 2015.

33. DISCLOSURES OF INTEREST

There were no disclosures of interest.

34. PROCEDURE

The Committee noted the Licensing Committee procedure.

35. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair reported that the Committee had made a submission to the Licensing Policy consultation following a workshop held on 12 October 2015. The Committee's submission would be included in the final report to Council on 1 December 2015, and if approved the Policy would be effective from 1 January 2016.

The Chair updated the Committee on a previous decision to reconfigure the Hackney Carriage fleet to be 70% Wheelchair Accessible Vehicle (WAVs) and 30% non-WVAs. A total of sixteen applications had been received to change vehicle licences from WAV to non-WVA and four had been approved by officers. In response to a question from the Committee it was confirmed that the selection criteria had been length of service and the disciplinary record of the applicant.

It was reported that the Council's contract for inspecting and testing licensed Hackney Carriage and Private Hire vehicles will change from Reynolds of Selby to Watson's MOT and Service Centre, with effect from 30 November 2015.

36. LICENSING POLICY – NORTH YORKSHIRE POLICE

The Chair introduced Sergeant Matt France (North Yorkshire Police) and invited him to make a presentation to the Committee about the work of the Licensing Team at North Yorkshire Police. The presentation explained the work of the Police and the ways in which it works with Licensing Authorities. It was noted that the Licensing Team is based in York and covers the whole county with one Sergeant, four Constables and a part-time administrator. There are currently over 5,000 licensed premises in North Yorkshire, of which approximately 250 are 'actively managed'. Nationally there are approximately 27 premises closing each week, but in North Yorkshire there are four new premises opening each week. Current issues for the Police include; the balance between the daytime and night-time economy, changes to the street scene (such as street lighting, litter bins, street furniture), availability of public toilets, public transport, and issues relating to the relationship between Planning and Licensing. The Committee were able to ask questions.

During discussion of the Licensing Act 2003 (Late Night Refreshment) Regulations 2015, Sergeant France confirmed that the Police's preference was for the exemptions listed at 3(a) to 3(f) of the regulations to be included as part of the policy, but not 3(g) as this offered opportunities to certain licence holders to take advantage of a late night refreshment licence exemption. The Licensing Committee had previously (12 October 2015) offered support to this deregulation, subject to the Police's comments.

The Committee took a short break from 11.20am to 11.25am. On resumption of the meeting, the Committee agreed to consider agenda items 9 and 10 before items 7 and 8.

37. 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.

38. ISSUE CONCERNING THE BEHAVIOUR OF A HACKNEY CARRIAGE VEHICLE DRIVER (REPORT L/15/16)

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

The Senior Enforcement Officer presented the report L/15/16, which detailed a complaint received against the driver concerned. The complaint related to an incident on 4 October 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:

- (i) To issue the Hackney Carriage driver with a written warning, to remain on the driver's file for a period of six months. 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. A warning would act as a reminder to him of the standards expected**
- (ii) To ask officers to write to all Hackney Carriage and Private Hire drivers licensed by Selby District Council to remind them that they should not park in any disabled parking bays without a valid 'blue badge'.**

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

39. PUBLIC SESSION

RESOLVED:

To move back into public session.

40. LICENSING STATISTICAL AND PERFORMANCE REPORT APRIL TO SEPTEMBER 2015

The Solicitor to the Council presented report L/15/14 which was the first six-monthly statistical and performance report. The report updated the Committee on licensing functions at the Council. The Committee was provided with statistical analysis of licensing workload including the number and type of applications received. It was noted that both Performance Indicators relating to Licensing had been exceeded. The average length of time taken to process taxi licences was 2.25 days (target was 5 days), and the length of time taken to process Street Trading Licences was 2.7 days (target was 8 days). The Committee was able to ask questions of the Solicitor to the Council.

RESOLVED:

To note the report and congratulate the relevant officers and staff for the excellent performance.

41. 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

The Senior Enforcement Officer presented report L/15/15 which asked the Committee to approve a protocol on the exercise of delegated authority to Enforcement Officers to deal with licensing enforcement so that they may issue verbal and written warnings to existing Hackney Carriage and Private Hire drivers and operators without referring the matter to the Licensing Committee.

It was explained that the protocol would set out when it was appropriate for Enforcement Officers to issue and record verbal and written warnings for lower-level offences, and that recurring transgressions and more serious offences would continue to be brought to the Licensing Committee.

It was confirmed that all complaints, warnings and sanctions are recorded in the relevant driver and/or operator's file.

RESOLVED:

To approve a protocol on the exercise of delegated authority to the Council's Enforcement Officers to issue verbal and written warnings for lower level offences to existing Hackney Carriage and Private Hire drivers and operators.

The meeting closed at 12.02pm.