

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 7 DECEMBER 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 2 November 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. Procedure

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

5. Chair's Address to the Licensing Committee

6. Application for a Discreet Private Hire Vehicle Licence

To receive the report of the Senior Enforcement Officer L/15/17 and to consider the application for a discreet Private Hire Vehicle Licence (pages 8 to 17 attached).

7. Application for a Discreet Private Hire Vehicle Licence

To receive the report of the Senior Enforcement Officer L/15/18 and to consider the application for a discreet Private Hire Vehicle Licence (pages 18 to 29 attached).

8. Licensing of Community Premises

To receive and note the report of the Solicitor to the Council L/15/19 (pages 30 to 33 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/15/20 and to consider if the individual remains a fit and proper person to hold a Hackney Carriage Driver's Licence (pages 34 to 41 attached).

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

To receive the report of the Senior Enforcement Officer L/15/21 and to consider if the individual remains a fit and proper person to hold a Hackney Carriage Driver's Licence (pages 42 to 53 attached).

**Jonathan Lund
Deputy Chief Executive**

Enquiries relating to this agenda, please contact Daniel Maguire on:
Tel: 01757 292247 Email: 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 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 about 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 arising about 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, the Police confirmed that their 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 opportunity 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 that relate 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/15/5 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 provide 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.

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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 Legal Advisor will inform the applicant in writing of the decision of the Licensing Committee and any appeal rights.

Public Session

Report Reference Number: L/15/17

Agenda Item No: 6

To: Licensing Committee
Date: 7 December 2015
Author: Tim Grogan: Senior Enforcement Officer
Lead Officer: Helen McNeil: Lead Officer, Debt Control and Enforcement

Summary:

Paul Clayden has applied for a Private Hire Vehicle Licence in respect of a Mercedes Viano motor vehicle and requests that the licence be discreet in manner.

Recommendation:

That Councillors approve the issue of Private Hire Vehicle Licence for a Mercedes Viano in the form of discreet identification under the operation of Paul Clayden.

1. Introduction and background

- 1.1 To bring to the attention of the Committee an application from Paul Clayden, a licensed Private Hire Operator, for the grant of Private Hire Vehicle Licence for Mercedes Viano motor vehicle, being discreet in manner.

2. The Report

- 2.1 On Monday 12 October 2015, Paul Clayden applied to Selby District Council (see Appendix A) for a Private Hire Vehicle Licence in respect of a Mercedes Viano. He requested that the licence be discreet in manner (see Appendix B). In addition, he provided requests from 3 customers, who call for an executive transportation service using vehicles not displaying a 'plate' (see Appendices C, D and E).
- 2.2 Paul Clayden was licensed by Selby District Council as a Private Hire Driver and Operator on 6 April 2011.

- 2.3 His business, in terms of the provision of a service to customers who seek a more executive style of transportation, has increased commensurately to the degree that he has been required to increase his fleet.
- 2.4 The Committee should be aware that orthodox Private Hire plates, which are currently displayed in accordance with section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976, are securely fixed to the front and rear exterior of Private Hire vehicles in a conspicuous position.
- 2.5 This supplication is supported by three business customers and this information is supported in writing.
- 2.6 Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is the legislation which deals with this matter. The Section provides that a District Council shall issue a plate or disc in order that a vehicle may be identified as a Private Hire Vehicle.
- 2.7 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on fifteen previous occasions, although not all licences are currently in operation
- 2.8 A copy of the disc (see Appendix F), which will be provided on a red background when issued thereby replicated the colour of the Private Hire Vehicle plate, is available for scrutiny.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The Council first granted a Private Hire vehicle licence in terms of discreet identification on 16 August 2004 and has done so on sixteen occasions since. The criteria the Committee used is based upon the driver's dress, the type of vehicle and the wishes of potential customers. In connection with this application the Committee can grant or refuse the licence

3.2 Financial Issues

There are no financial implications.

4. Conclusion

That Councillors determine the application.

5. Background Documents

A copy of Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is available in Legal Services

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

Appendices:

- A. Copy of Application for a Private Hire Vehicle Licence for Mercedes Viano
- B. Letter of application from Paul Clayden
- C. Letter of support from Ebor Aviation Services
- D. Letter of support from the Rythre Arms, Ryther.
- E. Letter of support from Leeds East Airport
- F. Copy of disc

Requisition for information under Section 57 of the Local Government (Miscellaneous Provisions) Act, 1976

APPLICATION FOR GRANT OF A PRIVATE HIRE VEHICLE LICENCE

Mr Mrs Miss Ms

Surname: CLAYDEN

Forename(s): PAUL GEOFFREY

Address: [Redacted]

Tel No:

Mobile:

Details of vehicle

Plate number:

Registration no:

Make:

Model:

Colour:

Date first registered:

No. of passengers:

Motor make/model:

Type of fuel:

Is the vehicle wheelchair accessible? NO

S555 PGC.
MERCEDES.
VIANO CDI 2.2
BLACK.
06/09/2007
6
DIESEL

Have you previously held:

- a) Hackney Carriage Proprietor's Licence? NO
- b) Private Hire Vehicle Licence? NO

If YES give:

- a) Issuing Authority:
- b) Date of issue:

Name and address of Private Hire Operator by whom you would be employed:

[Redacted]

DECLARATION

I declare that to the best of my knowledge and belief the answers given above are true. If a licence is granted I undertake to comply with the conditions attached on the grant of the licence. Should I engage in other employment, I also agree to partake of sufficient rest and refreshment after finishing work before commencing driving for hire.

I enclose the sum of £ 179.00 being payable in respect of this application, and any other documentation requested.

Signed

[Redacted Signature]

Date

19/10/2015

APPLICANTS ARE ADVISED THAT TO MAKE, KNOWINGLY OR RECKLESSLY, A FALSE STATEMENT OR OMIT ANY INFORMATION FROM THIS APPLICATION IS A CRIMINAL OFFENCE.

N.B. You are obliged to notify the Council of any changes in circumstances or particulars in any of the sections, as soon as possible.

PLEASE ENCLOSE THE FOLLOWING:-

COMPLETED APPLICATION FORM
VEHICLE REGISTRATION DOCUMENT
CERTIFICATE OF INSURANCE
M.O.T. CERTIFICATE (IF VEHICLE IS OVER 3 YEARS OLD)
FEE

PLEASE RETURN THE COMPLETED FORM TO:

Business Support
Selby District Council
Civic Centre,
Doncaster Road,
Selby,
YO8 9FT.

Telephone: 01757 705101 Fax: 01757 292229

How we collect and use information

We will use the information you provide in connection with any lawful activity of the Council. We have a duty to protect public funds that we administer, so we may also use information held about you for the prevention and detection of fraud. We may check information you have provided, or information about you that someone else has provided, with other information held by us.

We may also get information about you from certain third parties, or give them information to:

- Make sure the information is accurate;
- Prevent or detect crime; and
- Protect public funds.

These third parties include Government Departments and other Local Authorities. We may also provide information for data matching exercises with the Audit Commission, the Department for Work and Pensions and credit reference agencies as the law allows.

We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to. We, Selby District Council, are the data controller for the purposes of the Data Protection Act. If you want to know more about what information we have about you, or the way we use that information, please ask us.

FOR OFFICIAL USE

Receipt No: _____ Amount: £ 179.00 _____ Date: _____
Licence No: _____ PHV Plate: _____ Vehicle Regd. No: _____
Test Date/Time: _____

Mr T Grogan

Paul Clayden

Selby District Council

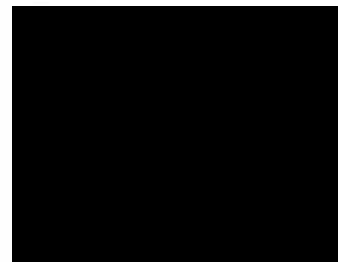
Flyer Private Hire

Civic Centre

Doncaster Road

Selby

YO8 9FT



Vehicle Reg : 5555PGC

Dear Mr Grogan,

We have just taken possession of a new vehicle a Mercedes Viano to add to our Private Hire cars.

Its main use is to provide transport for V.I.P, Executive & Corporate clients to allow us to do this we would like to run this vehicle with obscure plates. I have enclosed three references for your consideration.

Regards



Flyer Private Hire



Ebor Aviation Services Ltd

2 The Old Hall
Main Street
Ulleskeif
Tadcaster LS24 9DU

APPENDIX C
Report L/15/19
Agenda item 10

Tel: +44 (0)7515 647098
Email: fmdarton@hotmail.com

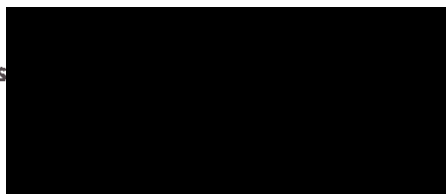
Mr T Grogan
Selby District Council
Civic Centre
Doncaster Road
Selby
YO8 9FT

14th October 2015

Dear Sir,

Flyer Private Hire already provide us with transport services but are now offering an additional service with a vehicle and driver more suited to our executive travel requirements, which will be of great use to us in future.

Yours



FM Darton

Director



THE RYTHRE ARMS STEAKHOUSE



Mr. Anthony Linley
The Rythre Arms
Main Street
Ryther
Tadcaster
LS24 9EE
01757 268372
07780113676

Wednesday, 14 October 2015

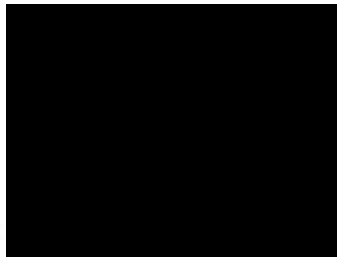
To whomever it may concern

Flyer private hire has been an invaluable local taxi company over many years for the Rythre Arms. It's the only one close that we can use to bring and collect our customers when even firms as close as Tadcaster or Selby will not make the journey.

The addition of a luxury limousine service will be a great asset. We have many customers who expect a high quality service and demand a VIP vehicle capable of taking guests safely home after celebrating their special occasion.

Mr Clayden and Flyer Cars are in a perfect position to offer a premium travel experience to an area in the midst of a very positive change. I look forward to working alongside him and offering a great service for our customer's journey, and while at the Rythre!

Yours sincerely



Anthony Linley

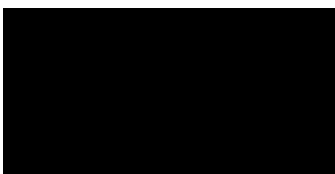
Mr T Grogan
Selby District Council
Civic Centre
Doncaster Road
SELBY
YO8 9FT

14th October 2015

Dear Mr Grogan,

As I am sure you are aware Leeds East Airport has now opened up to accept private aircraft. A local company 'Flyer Private Hire' have already provided transport services but now offer an executive service which we would like to offer our incoming clients and feel this service will be used on a progressively growing scale.

Yours faithfully



Damian Roberts
Leeds East Airport



LEEDS EAST AIRPORT
CHURCH FENTON

Busk Lane, Church Fenton, TADCASTER, North Yorkshire, LS24 9SE +44(0)1937 534343

SELBY
IN THE VALE OF YORK

SELBY DISTRICT COUNCIL
Licensed Private Hire Vehicle

PHV

Vehicle Registration No

Make..... Colour

Licence Expires

This vehicle is exempt form the Display of Licence
Insignia - All enquires in respect of this licence
should be addressed to the Licensing
Department at Selby District Council,
Portholme Road,
Selby YO8 4SB

Public Session

Report Reference Number: L/15/18

Agenda Item No: 7

To: Licensing Committee
Date: 7 December 2015
Author: Tim Grogan: Senior Enforcement Officer
Lead Officer: Helen McNeil: Lead Officer, Debt Control and Enforcement

Summary:

Nicholas John Mole has applied to change his Private Hire Vehicle Licence for a Mercedes S350L, bearing plates, to one where the licence is discreet in manner.

Recommendation:

That Councillors approve the issue of a Private Hire Vehicle Licence to a Mercedes S350L in the form of discreet identification under the operation of Nicholas John Mole.

1. Introduction and background

- 1.1 To bring to the attention of the Committee an application from Nicholas John Mole, a licensed Private Hire Operator, for the grant of private hire vehicle licence for Mercedes S350L motor vehicle, and that the licence be discreet in manner.

2. The Report

- 2.1 On Thursday 12 November 2015, Nicholas John Mole applied to Selby District Council (see Appendix B) to change his Private Hire Vehicle Licence in respect of a Mercedes S350L from a vehicle bearing plates to one where the licence is discreet in manner.
- 2.2 Mr Mole was granted a Private Hire Driver's Licence on 16 June 2015 and received a Private Hire Vehicle Licence for a Mercedes S350L on 21 July 2015.
- 2.3 His business, Platinum VIP Chauffeurs, is to provide a service to customers who seek a more executive style of transportation. His letter

outlines in detail his reasons for making such an application and is supported by letters from 3 customers (see Appendices C,D and E).

- 2.4 The Committee should be aware that orthodox Private Hire plates, which are currently displayed in accordance with section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976, are securely fixed to the front and rear exterior of Private Hire vehicles in a conspicuous position.
- 2.5 This supplication is supported by three business customers and this information is supported in writing.
- 2.6 Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is the legislation which deals with this matter. The Section provides that a District Council shall issue a plate or disc in order that a vehicle may be identified as a Private Hire Vehicle.
- 2.7 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on fifteen previous occasions, although not all licences are currently in operation
- 2.8 A copy of the disc (see Appendix F), which will be provided on a red background when issued thereby replicated the colour of the Private Hire Vehicle plate, is available for scrutiny.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The Council first granted a Private Hire vehicle licence in terms of discreet identification on 16 August 2004 and has done so on fifteen occasions since. The criteria the Committee used is based upon the driver's dress, the type of vehicle and the wishes of potential customers. In connection with this application the Committee can grant or refuse the licence

3.2 Financial Issues

There are no financial implications.

4. Conclusion

That Councillors determine the application.

5. Background Documents

A copy of Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is available in Legal Services

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

Appendices:

- A. Copy of Application for a Private Hire Vehicle Licence for Mercedes S350L
- B. Letter of application from Nicholas John Mole
- C. Letter of support from the National Trust
- D. Letter of support from Topping Engineers
- E. Letter of support from David Long Designs
- F. Copy of disc

Access Selby
A new approach to public service

SELBY
DISTRICT COUNCIL
Working for you

Selby District Council
Please read carefully before completing

Requisition for Information under Section 57 of the Local Government
(Miscellaneous Provisions) Act, 1976

APPLICATION FOR GRANT OF A PRIVATE HIRE VEHICLE LICENCE

Mr Mrs Miss Ms

Surname: MOLE

Forename(s): NICHOLAS JOHN

Address: [REDACTED]

Tel No: [REDACTED]

Mobile: [REDACTED]

Details of vehicle

Plate number:

Registration no: WG12 TYU

Make: MERCEDES

Model: S350L

Colour: BLACK

Date first registered: 29.6.12.

No. of passengers: 5

Meter make/model:

Type of Fuel: DIESEL.

Have you previously held:

- a) Hackney Carriage Proprietor's Licence? YES/NO
- b) Private Hire Vehicle Licence? YES/NO

If YES give:

- a) Issuing Authority:
- b) Date of issue:

Name and address of Private Hire Operator by whom you would be employed:

PLATINUM VIP CHAUFFEURS, TADCASTER ENTERPRISE PARK
STATION ROAD, TADCASTER, LS24 9JF

DECLARATION

I declare that to the best of my knowledge and belief the answers given above are true. If a licence is granted I undertake to comply with the conditions attached on the grant of the licence. Should I engage in other employment, I also agree to partake of sufficient rest and refreshment after finishing work before commencing driving for hire.

I enclose the sum of £ 179.00 being payable in respect of this application, and any other documentation requested.

Signed: [REDACTED]

Date: 3.7.15

APPLICANTS ARE ADVISED THAT TO MAKE, KNOWINGLY OR RECKLESSLY, A FALSE STATEMENT OR OMIT ANY INFORMATION FROM THIS APPLICATION IS A CRIMINAL OFFENCE.

N.B. You are obliged to notify the Council of any changes in circumstances or particulars in any of the sections, as soon as possible.

PLEASE ENCLOSE THE FOLLOWING:-

COMPLETED APPLICATION FORM
VEHICLE REGISTRATION DOCUMENT
CERTIFICATE OF INSURANCE
M.O.T. CERTIFICATE (IF VEHICLE IS OVER 3 YEARS OLD)
FEE

PLEASE RETURN THE COMPLETED FORM TO:

Business Support,
Selby District Council,
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Doncaster Road,
Selby,
YO8 9FT.

Telephone: 01757 705101 Fax: 01757 292229

How we collect and use information

We will use the information you provide in connection with any lawful activity of the Council. We have a duty to protect public funds that we administer, so we may also use information held about you for the prevention and detection of fraud. We may check information you have provided, or information about you that someone else has provided, with other information held by us.

We may also get information about you from certain third parties, or give them information to:

- Make sure the information is accurate;
- Prevent or detect crime; and
- Protect public funds

These third parties include Government Departments and other Local Authorities. We may also provide information for data matching exercises with the Audit Commission, the Department for Work and Pensions and credit reference agencies as the law allows.

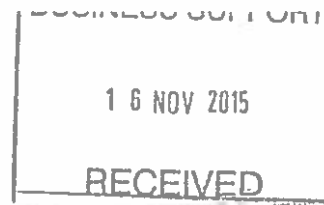
We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to. We, Selby District Council, are the data controller for the purposes of the Data Protection Act. If you want to know more about what information we have about you, or the way we use that information, please ask us.

FOR OFFICIAL USE

Receipt No: _____ Amount: £ 179.00 _____ Date: _____

Licence No: _____ PHV Plate: _____ Vehicle Regd. No: _____

Test Date/Time: _____



Platinum VIP Chauffeurs

Commer House
Tadcaster Enterprise Park
Station Road
Tadcaster
LS24 9JF
01937 222164
platinumvip@sky.com

Private Hire Licence Number **PHV005**

12th November 2015

Subject: Request for discreet Private Hire Vehicle plate.

Dear Licensing Committee,

Please accept this letter along with the three letters enclosed from current clients as my request for licence plate exemption on my executive vehicle, a black 2012 Mercedes Benz S Class long wheel base.

Here at Platinum VIP Chauffeurs we use an executive vehicle whereby it is essential that the presentation of the vehicle is maintained to the highest standard as the services that we offer are strictly for pre booked executive/chauffeur work, bookings are made well in advance either by phone or email and are handled personally by myself, although I fully understand the reason for having the licence plates fitted is to protect the public at no time do I ever pick up customers off the street therefore the protection by having licence plates fitted to our car is of little value to our clients as I have more often than not already spoke or met with the client, they also have written confirmation with details of the car and chauffeur when their booking is confirmed.

I consider my operation as that of a chauffeur as do my clients some of which are Championship footballers, actors, England and Yorkshire cricket players and even royalty, such high profile clients as well as my more regular clients have requested my vehicle to be discreet rather than having to display licence plates to the front and rear of the vehicle. I believe that having the plates fitted is already having a significant effect on the development of my business and also the type of client that will use my services on a regular basis. As well as the quality of service that we provide and our choice of vehicle I also take pride in my personal appearance, always wear a 3 piece suit, tie with white shirt and of course displaying my drivers badge at all times which also provides visible assurance that clients are travelling in a licensed vehicle.

As a small operator of an executive chauffeur driven vehicle our business platform is based on the concept of providing a chauffeur driven car service rather than a taxi service, we wish to offer our clients a professional discreet and confidential chauffeur service which is very different to a standard private hire operator or taxi car and

therefore feel should be differentiated so, I believe the chauffeur trade exists because of its discreet and personal nature.

For the last 12 months we have also been members of NAWCP (National Association of Wedding Car Professionals) and as a result our wedding car hire business has increased a huge amount and I'm convinced that customers would want a wedding car arriving with ribbons and licence plates.

I hope that the committee will consider my reasons outlined and agree that our work meets the criteria for discreet plates to be issued as requested, thank you for your time and I look forward to your reply.

Yours sincerely,

A black rectangular redaction box covering the signature of Nick Mole.

Nick Mole

Owner, Platinum VIP Chauffeurs



**National
Trust**

[REDACTED]
Direct line: 01904 472027

Selby District Council
Business Support
Civic Centre
Doncaster Road
Selby
YO8 9FT

8th October 2015

Dear Sir or Madam,

The National Trust often invites members of the public as well as future investors to visit our houses and estates, to help us to enable this we require a local, professional and discreet chauffeur driven car service as we believe this role isn't suitable for a normal private hire company and therefore we'd prefer to use the services of Platinum VIP Chauffeurs.

Having already used them on a number of occasions the Mercedes car that they use is of the highest quality, Nick is always smartly turned out, keeps his car impeccably clean at all times and with the added bonus of having extra leg room is of great value to our clients. We believe that to provide the right impression to potential customers, clients and investors and also listening to feedback the car we use should have no obvious markings or licence plates.

As an existing client I would be most grateful if you would grant Platinum VIP Chauffeurs a discreet licence.

Yours sincerely,

10 October 2015



**TOPPING
ENGINEERS**
CONSULTING CIVIL &
STRUCTURAL ENGINEERS

Windsor House Cornwall Road
Harrogate HG1 2PW

t: 01423 522 293
w: www.topping-engineers.com
e: info@topping-engineers.com

APPENDIX D
Report L/15/20
Agenda item 11

To whom it may concern.

Platinum VIP Chauffeurs

Over the last 6 weeks my company & I personally have used the services of Platinum VIP Chauffeurs on a regular basis for various reasons such as site visits, airport transfers, meetings and also the occasional night out with my wife.

I have been extremely impressed with Nick & not just with the services he was willing to provide but also with the quality of vehicle he was using. On the rare occasion that I need to make a much shorter trip I do use a local taxi company & expect to receive a totally different level of service, I don't know the driver, the level of comfort & cleanliness or even the make of car that I'm getting in to but Platinum VIP Chauffeurs offer the complete opposite & provide a far superior service.

I would very much like to continue to use Nick's services & we place a high importance on the anonymity that the absence of licence plates fitted to the vehicle that we are travelling in allows.

I sincerely hope Nick is successful in his application for some form of discreet licence plate which will further his business & offer the anonymity his clients need.

Yours sincerely,

D. Topping
Director

David Long Designs
62 Gillygate
York
YO31 7EQ

9th November 2015

F.A.O The Licensing Committee

Dear Sir or Madam,

We would like to make a case on the behalf of Nick of Platinum VIP Chauffeurs to be exempt from having the large private hire taxi plates fitted to his luxury Mercedes vehicle.

We have used Platinum VIP Chauffeurs on several occasions for our private airport transfers and have been thoroughly impressed with the level of service that we've received, Nick exceeded all our expectations, the level of service is far superior from that provided by a taxi or private hire company.

At the times when we need to visit clients for meetings, property viewings etc we require to use a pre booked chauffeur service rather than a private hire vehicle or taxi service, this enables us to remain professional, discreet and confidential when we conduct our business. The majority of our clients are extremely wealthy, high profile professionals and it's very important that we represent our business in the correct manor and therefore do not wish to be seen arriving in a car that looks like a taxi.

Rather than seek a discreet alternative company we would like to use Nick for both our personal and business transport requirements as the service that Platinum VIP Chauffeurs offer, along with no obvious markings on the car are ideal for giving the right impression to potential customers. We hope that the Licensing Committee will consider Nick's application and allow him to have the large taxi plates to be removed from his executive vehicle.

Yours faithfully,



Managing Director
David Long Designs

S E L B Y

IN THE VALE OF YORK

**SELBY DISTRICT COUNCIL
Licensed Private Hire Vehicle**

PHV

Vehicle Registration No

Make..... Colour

Licence Expires

This vehicle is exempt form the Display of Licence
Insignia - All enquires in respect of this licence
should be addressed to the Licensing
Department at Selby District Council,
Portholme Road,
Selby YO8 4SB

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Public Session

Report Reference Number: L/15/19

Agenda Item No: 8

To: Licensing Committee
Date: 7 December 2015
Author: Gillian Marshall – Solicitor to the Council
Lead Officer: Gillian Marshall – Solicitor to the Council

Title: Licensing of Community Premises

Summary:

In 2011 the Government launched a consultation, 'Rebalancing the Licensing Act', which sought to balance the management of risk and the regulatory burden. The consultation resulted in some changes to the Licensing of community premises, such as village halls. The Licensing Committee requested that it be updated on these changes.

Recommendation:

That Councillors note the contents of the report.

1. Introduction and background

- 1.1 Under the provisions of the Licensing Act 2003 village halls and community venues were treated as standard licensed premises and required either a full premises licence or a club premises certificate (where the hall or premises were not made available to the general public).
- 1.2 Where community premises were used for fewer than 12 or more events where a licensable activity takes place a Temporary Event Notice (TEN) could be used for each event at cost of £21 per notice.
- 1.3 A TEN is limited to an event with less than 500 persons; larger events required a premises licence or a variation to an existing licence.
- 1.4 If the premises were used more than 12 times per year a full premises licence would be needed for licensable activities. A premises licence that authorises the use of the premises for all licensable activities other than alcohol sales was available at no cost to community premises but

they required a personal licence holder to be the Designated Premises Supervisor (DPS).

2. The Report

- 2.1 In 2011, the Government issued a consultation ‘Rebalancing the Licensing Act’ which sought to strike a balance between the management of risk and the regulatory burden. Government noted that there were safeguards in other legislation and felt that provided that the audience upper limit was set at 500 (as with TENs), there was night-time protection after 23:00 hours and the licensee was one of the trusted providers (e.g. local authorities, schools, hospitals) there was little risk in reducing regulation. Government also sought views on a proposal to make changes to the definition of “regulated entertainment”. In launching the consultation, the Government took the view that the Licensing Act 2003 had been a missed opportunity to reform the regime for “regulated entertainment”.
- 2.2 The 2011 consultation was predicated on the view that where entertainment activities occur in conjunction with alcohol sale or supply, it is the presence of alcohol that is generally responsible for any increased threat to the licensing objectives.

Live and Recorded Music

- 2.3 In 2012, the Government supported a Private Members Bill which became the Live Music Act 2012. Live unamplified music and recorded music is now deregulated between 08:00 and 23:00 on any licensed premises provided the audience does not exceed 500. However music can become licensable in on-licensable premises if the licensing authority removes the effect of the deregulation following a licence review (“licence review mechanism”). This applies to all premises not just community premises.

Alcohol Licensing and Community Premises

- 2.4 The Licensing Act 2003 requires that all sales of alcohol are authorised by a personal licence holder. However, the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 amended the 2003 Act to allow certain community premises which have, or are applying for, a premises licence that authorises alcohol sales to apply for a premises licence without the need for a personal licence holder.
- 2.5 Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the “management committee”). If such an application is successful, the licence holder (i.e. the management committee) is responsible for the supervision and authorisation of all

alcohol sales made pursuant to the licence. All such sales will have to be made or authorised by the licence holder. There is no requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a personal licence holder. The Order defines community premises as: premises that are or form part of a:

- (i) church hall, chapel hall or other similar building; or
- (ii) a village hall, parish hall, community hall or other similar building.

- 2.6 The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed and reviewed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers e.g. the Chair, Secretary, Treasurer.
- 2.7 As the premise licence holder, the management committee is collectively responsible for ensuring compliance with licence conditions and the law (and may remain liable to prosecution for one of the offences in the Licensing Act) although there would not necessarily be any individual member always present at the premises. While overall responsibility will lie with the management committee, where the premises are hired out the hirer may be clearly identified as having responsibility for matters falling within his or her control (e.g. under the contract for hire offered by the licence holder), much in the same way that the event organiser may be responsible for an event held under a TEN. Where hirers are provided with a written summary of their responsibilities under the 2003 Act in relation to the sale of alcohol, the management committee is likely to be treated as having taken adequate steps to avoid liability to prosecution if a licensing offence is committed.

Community premises – new exemptions from 6 April 2015

- 2.8 From 6 April 2015 live music or recorded music between 08:00 and 23:00 in a church hall, village hall, community hall or other similar community premises that is not licensed to sell alcohol no longer constitutes regulated entertainment requiring a licence provided that:
- (a) the audience does not exceed 500, and
 - (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- 2.9 Further, no licence is required for 'not-for-profit' film exhibitions held in community premises between 08:00 and 23:00 provided that the audience does not exceed 500 and the organiser

- (a) gets consent to the screening from a person who is responsible for the premises; and
- (b) ensures that each such screening abides by age classification ratings

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The Licensing Committee will need to ensure that its decisions comply with the legislation.

3.2 Financial Issues

There are no financial implications.

4. Conclusion

That Councillors note the report and are aware of the changes relating to the Licensing of Community Premises.

5. Background Documents

Copies of relevant legislation can be obtained from the Legal Department at Selby District Council.

Contact Officer:

Gillian Marshall
Solicitor to the Council
gmarshall@selby.gov.uk
X 42095

Appendices:

None.