

# Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY 1 FEBRUARY 2016**  
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 December 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](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 6 to 8 attached).

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

**6. Application for two Discreet Private Hire Vehicle Licences**

To receive the report of the Senior Enforcement Officer L/15/22 and to consider the application for two discreet Private Hire Vehicle Licences (pages 9 to 16 attached).

**7. Private Session**

**That, in accordance with Section 100(A) (4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following items as there will be disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12(A) of the Act.**

**8. Application for a Private Hire Vehicle Driver's Licence**

To receive the report of the Senior Enforcement Officer L/15/23 and to consider whether to grant the application for a Private Hire Vehicle Driver's Licence (pages 17 to 24 attached).

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

To receive the report of the Senior Enforcement Officer L/15/24 and to consider if the individual remains a fit and proper person to hold a Hackney Carriage Driver's Licence (pages 25 to 32 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).

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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

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

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### **42. CHANGE TO AGENDA ORDER**

The Chair proposed amending the order of the meeting to take items 9, 10 and 11 between items 5 and 6.

**RESOLVED:**

**To amend the order of the agenda to take items 9, 10 and 11 between items 5 and 6.**

### **43. MINUTES**

The Committee considered the minutes of the Licensing Committee meeting held on 2 November 2015. The minutes were approved subject to the amendment of the word 'changes' to 'change' in paragraph 3 on page 2 of the agenda pack.

**RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 2 November 2015, subject to the amendment.**

**44. DISCLOSURES OF INTEREST**

Councillor Jordan noted his membership of the National Trust in connection with minute 51, but as this was not a disclosable pecuniary interest he remained in the meeting during consideration of the item, took part in the discussion and voted.

**45. PROCEDURE**

The Committee noted the Licensing Committee procedure.

**46. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

It was confirmed that Council had approved the revised Alcohol and Entertainment Licensing Policy on 1 December, and that the revised policy would guide future decision making by the Committee.

It was reported that the Immigration Bill was progressing through Parliament and that it contained a number of new taxi and Private Hire provisions. These would require mandatory immigration checks as part of the licensing of taxis and Private Hire drivers. The Bill was expected to complete its passage through Parliament in spring 2016.

The Chair advised that the Home Office had issued updated guidance relating to Section 21 of the Violent Crime Reduction Act 2006. The revised guidance allowed for a quicker process for attaching interim conditions to a licence, and a fast-track licence review where the Police considered that a premise was associated with serious crime and/or disorder.

**47. 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 items as there will be disclosure of exempt information as described in paragraphs 3 of Schedule 12(A) of the Act.**

**48. ISSUE CONCERNING THE BEHAVIOUR OF A HACKNEY CARRIAGE VEHICLE DRIVER (REPORT L/15/20)**

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

The Senior Enforcement Officer presented report L/15/20, which detailed a complaint received against the driver concerned. The complaint related to an incident on 2 November 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 driver with a written warning to remain on file for six months, recognising that unauthorised parking in disabled parking bays is not an acceptable practice for a 'fit and proper' person who holds a Hackney Carriage drivers licence in the Selby district.**

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

**49. ISSUE CONCERNING THE BEHAVIOUR OF A HACKNEY CARRIAGE VEHICLE DRIVER (REPORT L/15/21)**

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

The Senior Enforcement Officer presented the L/15/21, which detailed a complaint received against the driver concerned. The complaint related to an incident on 4 November, not 2 November as stated in the report.

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 driver with a verbal warning, recognising that parking on a footpath is not an acceptable practice for a 'fit and proper' person who holds a Hackney Carriage drivers licence in the Selby district but also noting the driver's relative inexperience and his good reference.**

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

## **50. PUBLIC SESSION**

### **RESOLVED:**

**To move back into public session.**

## **51. APPLICATION FOR A DISCREET PRIVATE HIRE VEHICLE LICENCE (REPORT L/15/17)**

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

The Senior Enforcement Officer presented the L/15/17, which detailed an application received on 12 October 2015 from Mr Paul Clayden for a discreet Private Hire Vehicle Licence in respect of a Mercedes Viano.

The application was supported with references from three business customers who required the provision of discreet, executive private hire transport.

The Committee was given the opportunity to question the Senior Enforcement Officer and the applicant about the application. It was confirmed that the applicant had experienced an increase in demand for executive style private hire transport related to airport, wedding and funeral work. The applicant confirmed that drivers would be dressed in shirt, tie and a suit. The Senior Enforcement Officer confirmed that he supported the application.

The Senior Enforcement Officer and the applicant 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 Paul Clayden.**

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

## **52. APPLICATION FOR A DISCREET PRIVATE HIRE VEHICLE LICENCE (REPORT L/15/18)**

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

The Senior Enforcement Officer presented report L/15/18, which detailed an application received on 12 November 2015 from Mr Nicholas John Mole for a

discreet Private Hire Vehicle Licence in respect of a Mercedes S350L operated by his company, Platinum VIP Chauffeurs.

The application was supported with references from three business customers who required the provision of discreet executive private hire transport.

The Committee was given the opportunity to question the Senior Enforcement Officer and the applicant about the application. The applicant confirmed that drivers would be dressed smartly in shirt, tie and a suit. The Senior Enforcement Officer confirmed that he supported the application.

The Senior Enforcement Officer and the applicant 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 Nicholas John Mole.**

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

**53. LICENSING OF COMMUNITY PREMISES (REPORT L/15/19)**

The Solicitor to the Council presented report L/15/19, which provided information and guidance to the Committee about the licensing of Community Premises such as community centres, village halls and church halls.

It was explained that the government had undertaken a consultation on 'Rebalancing the Licensing Act', which recognised that community premises do not necessarily generate the same challenges in respect of the Licensing Objectives as other premises and that some requirements of licensing legislation do not need to apply.

The report was provided for information and councillors were able to ask questions of the Solicitor to the Council.

**RESOLVED:**

**To note the report.**

The meeting closed at 11.10am.

## **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.

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blank.**

**Public Session**

**Report Reference Number: L/15/22**

**Agenda Item No: 6**

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**To: Licensing Committee**  
**Date: 4 January 2016**  
**Author: Tim Grogan: Senior Enforcement Officer**  
**Lead Officer: Helen McNeil: Lead Officer, Debt Control & Enforcement**

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**Summary:**

Richard Harrop has applied to change his Private Hire Vehicle Licences for a Mercedes S class and a Chrysler Grand Voyager, both of which bear plates, to vehicles where the licences are discreet in manner.

**Recommendations:**

**That Councillors approve the issue of a Private Hire Vehicle Licence to a Mercedes S class and Chrysler Grand Voyager in the form of discreet identification under the operation of Richard Harrop.**

**1. Introduction and background**

- 1.1 To bring to the attention of the Committee an application from Richard Harrop, a licensed Private Hire Operator, for the granting of private hire vehicle licences for a Mercedes S class and a Chrysler Grand Voyager motor vehicle, and that the licences be discreet in manner.

**2. The Report**

- 2.1 On Thursday 17 December 2015, Richard Harrop applied to Selby District Council (see Appendix A) to change his Private Hire Vehicle Licences in respect of a Mercedes S class and a Chrysler Grand Voyager from vehicles bearing plates to ones where the licences are discreet in manner.
- 2.2 Mr Harrop was granted a Private Hire Driver's Licence on 12 May 2015 and received a Private Hire Vehicle Licence for a Chrysler Grand Voyager on that date.

- 2.3 His business had developed 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 B, C and D).
- 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 application 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 seventeen previous occasions, although not all licences are currently in operation
- 2.8 A copy of the disc (see Appendix E), 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 seventeen occasions since. In connection with this application the Committee can grant or refuse the licence and our Taxi Licensing Policy states that each case should be considered on its own merits. The criteria the Committee has used in the past is based upon the mode of operation including the driver's dress, the type of vehicle and the support of potential customers.

#### **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](mailto:tgrogan@selby.gov.uk)**

### **Appendices:**

- A. Email of application from Richard Harrop
- B. Letter of support from Donna Tetley
- C. Letter of support from Jo Fletcher
- D. Letter of support from Lisa Littlefair
- E. Copy of disc

**Daniel Maguire**

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**From:**  
**Sent:**  
**To:**  
**Subject:**



Dear Tim

The following are reasons why my company with two vehicles, an S Class Mercedes & a Chrysler Grand Voyager need a discreet license.....


1. We pick up celebrities & sports stars.
2. Clients of a certain caliber ie Chairman & CEOs .
3. Weddings are a regular event.

The above covers virtually all of my work & I wouldn't be able to cover any of this with private hire livery on my vehicles.

I have built up the business over the past 15 years offering an executive/chauffeur service to my clients. I have purchased both vehicles in the past year at a cost of £65000. A significant investment into my chauffeur business.

Regards  
Richard

Galaxy Executive Travel

On 17 Dec 2015, at 14:39, Tim Grogan  wrote:

Dear Richard,

Can you explain you own reasons for wanting this service.

Regards

Tim

**Tim Grogan**

Senior Enforcement Officer

t:  
e:  
w:



To whom this may concern:-

I regularly use Richard Harrop from Galaxy Travel for my boss's travel arrangements to travel all over the UK; this includes small jobs from home to the station or longer trips which means utilising their services for a full day. Galaxy Travel are always reliable, friendly, very professional, I would class Richard as delivering a luxury car service. I have no hesitation giving them a glowing recommendation. They turn up on time and nothing is ever too much trouble, they always go out of their way to help me at short notice which is quite often.

**Donna Tetley**

Executive Assistant to **Andrew Moore**, SVP Chief Merchandising Officer **Asda House** T/ 0113 826 3228 M/ [REDACTED] 700243 E/ [REDACTED]

My Line Manager is **Andrew Moore** and can be contacted on [REDACTED]



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Leeds LS11 5AD. -----

To whom it may concern:

Just to confirm we have been using Galaxy Executive Travel for a number of years. We use the cars to take us to various client meetings and events around the country, and we use them as they use luxury cars and provide an executive and professional service. Their vehicles are of the highest quality and therefore they are able to provide a comfortable and reliable service every time.

Kind regards

Jo Fletcher

**Jo Fletcher**

PA to CEO

**savvy**

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To whom it may concern:-

I regularly use Richard Harrop from Galaxy Travel for my boss's travel arrangements to travel all over the UK; this includes small jobs from home to the station or longer trips which means utilising their services for a full day. Galaxy Travel are always reliable, friendly, very professional and always use quality vehicles – this company is not a taxi service, I would class Richard as delivering a luxury car service. I have no hesitation giving them a glowing recommendation. They turn up on time and nothing is ever too much trouble, especially given the amount of changes I make on a weekly basis.

I used to use Galaxy Travel when I worked at Asda HQ for the CEO and all the Board members relied heavily on Richard's services

Lisa Littlefair, PA/Andy Bond & Matt Harrison



 Woodcliffe Associates

**SELBY**  
IN THE VALE OF YORK

**SELBY DISTRICT COUNCIL  
Licensed Private Hire Vehicle**

PHV .....

Vehicle Registration No .....

Make..... Colour .....

Licence Expires .....

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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