

# Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY 9 MAY 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 March 2016 (pages 1 to 4 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 5 to 6 attached).

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

**6. Enforcement Evening**

To receive the report of the Senior Enforcement Officer L/15/27 that updates the Committee on an Enforcement Evening held on 21 March 2016 (pages 7 to 14 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 paragraph 3 of Schedule 12(A) of the Act.**

**8. Consideration of Private Hire Vehicle Licences**

To receive the report of the Senior Enforcement Officer L/15/28 and to consider concerns relating to a Private Hire Vehicle Driver and Operator Licence, arising from the Enforcement Evening held on 21 March 2016 (pages 15 to 24 attached).

**9. Application for a Private Hire Vehicle Licence**

To receive the report of the Senior Enforcement Officer L/15/29 and to determine the application for a Private Hire Driver's Licence (pages 25 to 29 attached).

**Gillian Marshall  
Solicitor to the Council**

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

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Venue:	Committee Room
Date:	Monday 7 March 2016
Time:	10.00am
Present:	Councillors C Pearson (Chair), D Buckle (Sub for M Jordan), Mrs J Chilvers, Mrs S Duckett, K Ellis, M Hobson, R Sweeting, J Thurlow and Mrs D White.
Apologies:	Councillors M Jordan and B Marshall.
Officers present:	Gillian Marshall, Solicitor to the Council; Tim Grogan, Senior Enforcement Officer; Alison Beaumont, Enforcement Officer; and Daniel Maguire, Democratic Services Officer
Public:	0
Press:	0

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#### **62. MINUTES**

The Committee considered the minutes of the Licensing Committee held on 1 February 2016. The minutes were approved as a correct record and signed by the Chair.

#### **RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 1 February 2016.**

#### **63. DISCLOSURES OF INTEREST**

Councillor Mrs Duckett declared a personal interest in minute number 69 and advised that she would leave the meeting during consideration of this item.

#### **64. PROCEDURE**

The Committee noted the Licensing Committee procedure.

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

The Chair welcomed members and officers. He reported that officers from Trading Standards had completed covert tests for under-age sales at two premises in the Selby District. One incident involved an inexperienced member of staff and was being resolved informally, the second incident was of a more serious nature and a prosecution was pending. It was explained that as there was a possibility the case may come before the Committee in the future, the premises were not identified and no further details were provided.

It was also reported that the Police and Crime Bill had been laid before Parliament on 10 February, and that the Bill included provisions for local authorities to revoke/suspend personal licences. It was explained that currently this power was only available to Magistrates.

## **66. APPLICATION FOR A DISCREET PRIVATE HIRE VEHICLE LICENCE (REPORT L/15/25)**

The applicant had advised the Committee that he was unable to attend the hearing for personal reasons, but had asked that the application was considered in his absence. The Committee agreed to consider the application.

### **RESOLVED:**

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

The Senior Enforcement Officer presented report L/15/25, which detailed an application made to the Council by Philip Richardson, a licensed Private Hire operator, for a discreet Private Hire vehicle licence. The application was for a Mercedes Vito vehicle that was currently licenced with Selby District Council as a private hire vehicle. The Senior Enforcement Officer confirmed that he supported the application.

The Committee considered the application.

### **RESOLVED:**

**To grant the application for a discreet Private Hire vehicle licence for a Mercedes Vito vehicle.**

## **67. APPLICATION FOR A DISCREET PRIVATE HIRE VEHICLE LICENCE (REPORT L/15/26)**

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

The Senior Enforcement Officer presented report L/15/26, which detailed an application made to the Council by Mark Wright, a licensed Private Hire operator, for a discreet Private Hire vehicle licence. The application was for a Jaguar XF vehicle that was currently licenced with Selby District Council as a

private hire vehicle. The Senior Enforcement Officer confirmed that he supported the application.

The Committee was given the opportunity to question the Senior Enforcement Officer and the applicant about the application. It was confirmed that the applicant would be the sole driver of the vehicle, and that he would be appropriately dressed when undertaking executive-type work.

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 for a Jaguar XF vehicle.**

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

**68. 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.**

**69. APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE (REPORT L/15/27)**

Councillor Mrs Duckett left the meeting at this point and did not return.

The applicant was in attendance and was accompanied by his representative. He confirmed that he understood the procedure.

The Senior Enforcement Officer presented report L/15/27, which detailed an application made to the Council for a Hackney Carriage Vehicle Licence for a non-Wheelchair Accessible Vehicle (WAV) to replace an existing WAV vehicle.

The applicant presented his case, which concerned the ability to use his vehicle whilst not being used as a licensed hackney carriage, as private transport for his family, and specifically for a relative who had suffered a stroke. It was reported that the relative suffered discomfort when travelling in the WAV. The Committee were informed that the personal circumstances of the applicant meant that purchasing a second vehicle was not feasible. The applicant acknowledged that he was currently fourth on the waiting list for non-WAVs, and that his application would require the Council to deviate from its policy.

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

The Senior Enforcement Officer, the applicant and the applicant's representative left the room while the Committee considered the application and made its decision

**RESOLVED:**

**To refuse the application for a non-Wheelchair Accessible Hackney Carriage Vehicle.**

The Committee stated that it was sympathetic to the personal circumstances of the applicant, but it would not be appropriate to deviate from the Council's policy, or the ratio of non-WAVs to WAVs as the policy existed to promote the interests of all members of the public. The Committee further stated that those drivers who were on the waiting list had a reasonable expectation that their applications would be considered in accordance with the policy.

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

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The meeting closed at 11.01am.

## **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/15/28**

**Agenda Item No: 6**

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**To: Licensing Committee**  
**Date: 9 May 2016**  
**Author: Tim Grogan, Senior Enforcement Officer**  
**Lead Officer: Helen McNeil, Lead Officer (Debt Control and Enforcement)**

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**Summary:**

On 21 March 2016 Selby District Council conducted an 'Enforcement Evening' to establish that drivers and operators of licensed hackney carriages and private hire vehicles were operating in accordance with relevant rules and regulations.

The operation was multi-agency, with Selby District Council's Enforcement Section working in conjunction with North Yorkshire Police and the Driver and Vehicle Standards Agency. Nine vehicles were examined and overall the operation was a success in demonstrating that Selby District Council's licensing regime is robust.

**Recommendations:**

**That the Licensing Committee notes the information regarding an 'Enforcement Evening'.**

**1. Introduction and background**

1.1 Within Selby District there are 52 hackney carriages and 94 private hire vehicles. The majority of these vehicles operate during the evening to service the night-time economy. It is a requirement of the Local Authority to ensure the operational and occupational safety of both passengers and other road users in connection with the use of vehicles is safe and comfortable.

**2. The Report**

2.1 At 6pm on Monday 21 March 2016, in order to fulfil Selby District Council's responsibilities in connection with this matter, a multi-agency operation was mounted. This involved the Council's Enforcement Section, North Yorkshire Police and the Driver and Vehicle Standards Agency (DVSA) undertaking an examination of drivers, hackney

carriages and private hire vehicles operating that evening up until 10.30pm. The objective of the evening was to ensure that both drivers of both types of vehicle were:

- complying with conditions attached to their respective licences
- obeying the Highway Code
- conforming with statutory traffic laws
- ensuring that their vehicles were maintained in a roadworthy condition.

- 2.2 The process involved the use of two Enforcement Section Officers, two Community Officers, two Police vehicles with attendant Constables and two DVSA examiners. The base for operations was Watson's garage with the provision of inspection bays and a qualified mechanic. This was the first operation involving Watsons, following the transfer of inspections from Reynolds garage.
- 2.3 During the evening 9 drivers and vehicles were examined at 15 minute intervals (see Appendix A). On the whole these inspections were very successful in providing clear evidence of the robustness of the Council's vehicle testing regime.
- 2.4 Of the 9 vehicles checked, 4 had no faults, 4 were found with minor rectifiable faults and only one received a Roadworthiness Prohibition Notice (see Appendix B). This vehicle was taken out of service and is subject of a further report (Mouncer and Rivett).
- 2.5 In terms of the vehicles with minor faults, these individuals were interviewed and advised as to their future conduct.

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

#### **3.1 Legal Issues**

There are no particular legal issues connected to this matter.

#### **3.2 Financial Issues**

There are no financial implications...

### **4. Conclusion**

That Councillors note the content of this report.

### **5. Background Documents**

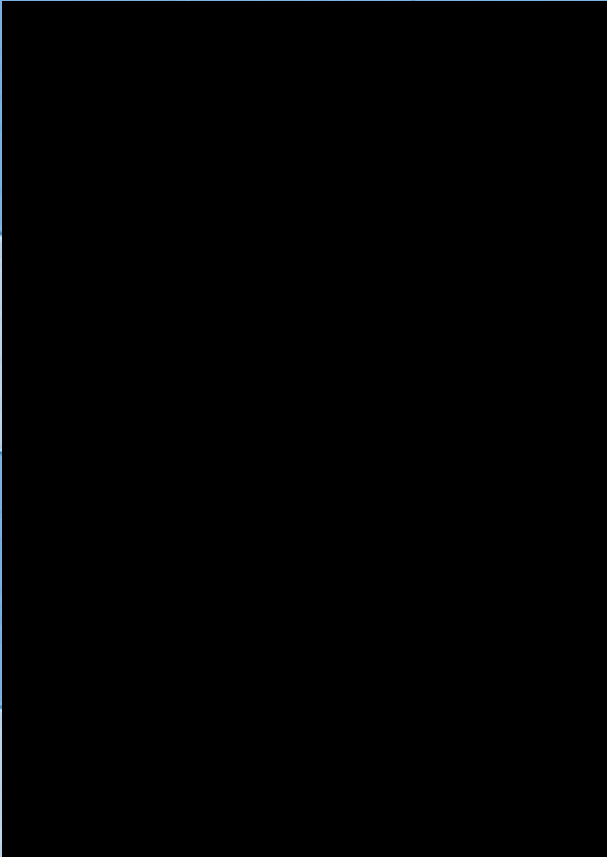
None.

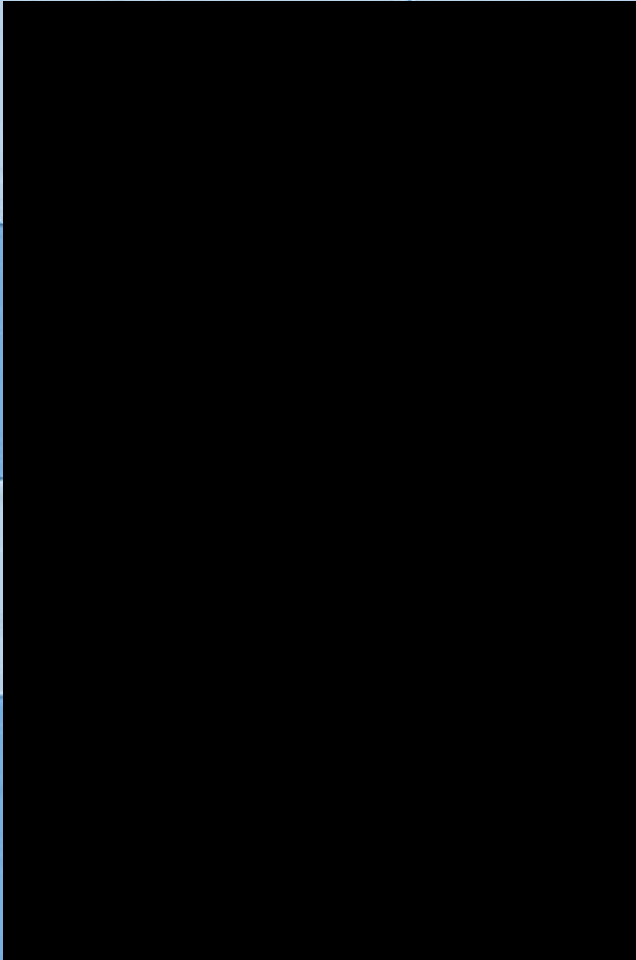
**Contact Officer:**

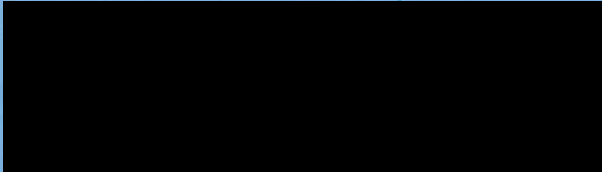
Tim Grogan  
Extn: 42027  
tgrogan@selby.gov.uk

**Appendices:**

- A. Enforcement Evening Inspection Sheet
- B. Roadworthiness Prohibition Notice

DATE	TIME	REGISTRATION OF VEHICLE & PLATE NUMBER	DRIVER	FAULT IDENTIFIED	REMEDIAL ACTION
1. 21.03.16	7.00 pm			No fault identified Badge expired new one on order via Tim Grogan	NAR
2. 21.03.16	7.15 pm			No fault identified	NAR
3. 21.03.16	7.30 pm			No fault identified	NAR
4. 21.03.16	7.45 pm			No fault identified	NAR

DATE	TIME	REGISTRATION OF VEHICLE & PLATE NUMBER	DRIVER	FAULT IDENTIFIED	REMEDIAL ACTION
5. 21.03.16	8.00 pm			Suspension near side front and windscreen check	Advisory seek advice of mechanic
6. 21.03.16	8.15 pm			Rear passenger seat belt jammed and not in working order	Prohibition Notice Served 7 days
7. 21.03.16	8.30 pm			Suspension rubber bush cracked drivers side front	Advisory seek advice of mechanic
8. 21.03.16	8.45 pm			Drivers side rear tyre worn on the inside	Replace tyre

DATE	TIME	REGISTRATION OF VEHICLE & PLATE NUMBER	DRIVER	FAULT IDENTIFIED	REMEDIAL ACTION
9. 21.03.16	9.00 pm			Steering track rod end	Advisory seek advice of mechanic



### Roadworthiness Prohibition Notice

Operator/Driver Details	
[REDACTED]	[REDACTED]

Vehicle Details	
Prohibited Vehicle ID	[REDACTED]
Vehicle Make	[REDACTED]
Towing Vehicle Reg.	[REDACTED]
Odometer Reading	[REDACTED]

Defects	
The defects leading to the prohibition are shown below and on continuation pages where necessary	
Severity	Page 1 of 1
D	NON-OBLIGATORY SEAT BELT RETRACTION MECHANISM, DOES NOT RETRACT THE WEBBING AS INTENDED, REAR SEAT, CENTRE BELT WILL NOT RETRACT

I hereby prohibit all driving and towing of this vehicle on public roads. This prohibition comes into force on 28/03/2016 at 20:32 and it will stay in force until it is removed by prior appointment at any MOT Vehicle Testing Station authorised to test this class of vehicle.

Issuing Officer Details		Receipt Details	
Signature	[REDACTED]	Signature	[REDACTED]
Name	Stephen White	Name	[REDACTED]
Date Issued	21/03/2016		
Time Issued	20:32		
Place where issued: WATSONS GARAGE, 0, NORTH YORKSHIRE			

Variation Details	
Signature	Date of issue
Name	Time of issue