

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 13 JUNE 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 9 May 2016 (pages 1 to 4 attached).

3. Start time of meetings 2016/17

To agree the start time of Licensing Committee meetings for the municipal year 2016/17.

4. 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.

5. Procedure

To outline the procedure to be followed at the meeting (pages 5 to 6 attached).

6. Chair's Address to the Licensing Committee

7. Application for a discreet Private Hire Vehicle Licence

To receive the report of the Senior Enforcement Officer L/16/1 which asks Councillors to consider an application for a discreet Private Hire Vehicle Licence (pages 7 to 16 attached).

8. 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.

9. Application for an exemption from assisting passengers on medical grounds

To receive the report of the Senior Enforcement Officer L/16/2 which asks the Committee to determine an application from a licensed Hackney Carriage driver for an exemption from assisting passengers on medical grounds (pages 17 to 28 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.

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 9 May 2016
Time:	10.00am
Present:	Councillors C Pearson (Chair), I Chilvers (Sub for R Sweeting), Mrs J Chilvers, Mrs S Duckett, K Ellis, M Hobson, M Jordan, B Marshall, J Thurlow and Mrs D White.
Apologies:	Councillor R Sweeting.
Officers present:	Gillian Marshall, Solicitor to the Council; Tim Grogan, Senior Enforcement Officer; Danica Swift, Enforcement Officer; Alex Dochery, Graduate Trainee; and Daniel Maguire, Democratic Services Officer
Public:	0
Press:	0

70. MINUTES

The Committee considered the minutes of the Licensing Committee held on 7 March 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 7 March 2016.

71. DISCLOSURES OF INTEREST

There were no disclosures of interest.

72. PROCEDURE

The Committee noted the Licensing Committee procedure.

73. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair welcomed members and officers. He reported that the Council's Enforcement Team had received a number of complaints regarding allegations of plying for trade by a Private Hire operator. The allegations had been investigated and the Senior Enforcement Officer had met with the operator concerned. There had been no evidence found of any wrongdoing.

The Chair advised that agenda item 6 would be considered after agenda items 7 to 9 inclusive, to reduce the waiting time for applicants and witnesses.

74. 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.

75. CONSIDERATION OF PRIVATE HIRE LICENCES (REPORT L/15/28)

The Senior Enforcement Officer presented the report, which detailed concerns relating to the driver and operator of a licensed Private Hire vehicle. It was reported that the vehicle had been checked as part of the Enforcement Evening on Monday 21 March 2016 and had been found to have a defective seatbelt. The vehicle was taken out of service and the operator was issued with a Roadworthiness Prohibition Notice.

The driver and the operator were present and were able to confirm that appropriate measures had been put in place since the inspection; this included the provision of a daily check list for drivers and a defect log. The driver was also able to confirm that the defective seatbelt had been working previously during the day and that this could be confirmed as the vehicle had been used to convey school students on a contracted service.

The driver and operator along with the Senior Enforcement Officer left the room while the Committee made their decision.

RESOLVED:

- (i) **To take no further action in relation to the Private Hire driver; and**
- (ii) **To take no further action in relation to the Private Hire operator.**

Reason for decision:

The Committee considered that both the driver and operator had taken sufficient remedial action in response to the incident, and that a recurrence would be unlikely.

The driver and operator were invited back into the meeting and the Solicitor to the Council advised them of the Committee's decision.

76. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (REPORT L/15/29)

The Senior Enforcement Officer presented the report, which detailed concerns relating to a Disclosure and Barring Service (DBS) check made in connection with an application for a Private Hire Driver's Licence. A copy of the DBS report was circulated to the Committee.

The applicant was in attendance and was able to answer questions from the Committee. He confirmed that the concerns raised in the DBS check related to events that occurred between 19 and 24 years previous. The applicant also confirmed that he had been a licensed private hire driver in a neighbouring district for the previous 19 years.

The applicant along with the Senior Enforcement Officer left the room while the Committee made their decision.

RESOLVED:

- To grant the application for a Private Hire Driver's Licence.**

Reason for decision:

The Committee had referred to the Council's Licensing Policy, and specifically the guidance in relation to the relevance of convictions. The Committee considered that sufficient time had passed since the matters of concern had occurred, and that the applicant was a 'fit and proper' person to hold a Private Hire Driver's Licence.

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

77. PUBLIC SESSION

RESOLVED:

To move back into public session.

78. ENFORCEMENT EVENING (REPORT L/15/27)

The Senior Enforcement Officer presented the report, which updated the Committee on a taxi Enforcement Evening which had taken place on Monday 21 March 2016 in Selby.

It was noted that a total of nine licensed vehicles were examined, and of these four were found to have no faults, four were found to have minor rectifiable faults and one was subject to a Roadworthiness Prohibition Notice and was taken out of service for a defective seatbelt. It was confirmed that the operators of those vehicles found with minor rectifiable faults were interviewed and advised of the standards required by Selby District Council.

In response to questions from the Committee it was confirmed that the decision to hold the Enforcement Evening on a Monday was due to the availability of Police and Driver and Vehicle Standards Agency (DVSA) resources. The Committee requested that, wherever possible, future checks were scheduled for busier evenings.

RESOLVED:

To note the report.

The meeting closed at 11.05am.

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/16/1

Agenda Item No: 7

To: Licensing Committee
Date: 13 June 2016
Author: Tim Grogan: Senior Enforcement Officer
Lead Officer: Helen McNeil: Lead Officer, Debt Control and Enforcement

Summary:

Colin Wilson has applied to licence a Range Rover Sport motor vehicle as a Private Hire Vehicle whereby the licence is discreet in manner.

Recommendations:

That Councillors approve the issue of a Private Hire Vehicle licence to a Range Rover Sport in the form of discreet identification under the operation of Colin Wilson.

1. Introduction and background

1.1 To bring to the attention of the Committee an application from Colin Wilson, a licensed Private Hire operator, for the grant of Private Hire Vehicle licence for a Range Rover Sport motor vehicle, and that the licence be discreet in manner.

2. The Report

2.1 On Tuesday 26 April 2016, Colin Wright applied to Selby District Council (Appendix A) to change his Private Hire Vehicle licence in respect of a Range Rover Sport from a vehicle bearing plates to one where the licence is discreet in manner.

2.2 Mr Wilson was granted a Private Hire driver's licence on 18 January 2016 and received a Private Hire operator's licence on 4 February 2016. A Private Hire vehicle licence for a Range Rover Sport operated by Mr Wilson was issued on 16 February 2016.

2.3 Mr Wilson has stated that his intention had always been to operate with discreet identification; however he has been initially licensed with ordinary plates until such time as this application could be processed by the Licensing Committee.

- 2.4 The application is supported by four referees (Appendices B, C, D and E), of which three are Private Hire operators who have previously been granted discreet identification status and one is the manager of the Black Bull Public House in Helmsley.
- 2.5 The Committee is advised 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.
- 2.6 Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is the legislation which deals with this matter. The Section provides that a Licensing Authority shall issue a plate or disc in order that a vehicle may be identified as a Private Hire Vehicle.
- 2.7 Other Licensing Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on twenty previous occasions, although not all licences are currently in operation
- 2.8 A copy of the disc (Appendix E), which will be provided on a red background when issued thereby replicating the colour of the Private Hire Vehicle plate, is available for inspection by the Committee if required.

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 twenty occasions since. The Committee can grant or refuse the application and the Council's Taxi Licensing Policy states that each case should be considered on its own merits. The criteria used by the Committee previously are 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
Ext.: 42027

Appendices:

- A. Letter of application from Colin Wilson
- B. Letter of support from Jeremy Moore
- C. Letter of support from Ross Potter
- D. Letter of support from Howard Smelt-Webb
- E. Letter of support from Jayne Potter
- F. Copy of disc



28 Marlborough Drive
Tadcaster
North Yorkshire
LS24 9JU
26th April 2016

Operator's Licence No PH0025
Badge No PHD056
Plate No PHV093 Range Rover Sport G17 CPW

**APPLICATION FOR PERMISSION TO USE DISCREET PLATES ON VEHICLE FOR EXECUTIVE
PRIVATE HIRE WORK**

Dear Mr Grogan,

I recently retired from North Yorkshire Police after 30 years service where I was a Firearms Trainer specialising in Close Protection. Over the years I have had the honour and privilege of protecting nearly all the members of the Royal family including HM The Queen and some of these duties involved driving them.

Prior to retiring I spoke in depth with friends who were also retired Police officers with a view to a career outside the Police, namely, Jeremy Moore and Howard Smelt-Webb who have successful Chauffeur Companies dealing in Executive Private hire.

I felt this would be a great job to do once I retired and from some of the VIP clients they have had would not be dissimilar to the work I was doing in the Police as a Protection officer / Driver and would allow me to put to good use my skills and experiences from these roles.

With that in mind this is why have recently gone through the licensing process and now the next natural step would be to apply for discreet plates as the majority of my work would be with The Yorkshire Chauffeur Company and Security Driven Limited.

I have made business contacts with other Chauffeur / Executive Private Hire companies such as PPDS (also an ex Police colleague), Potter Chauffeurs, VZ and Platinum Chauffeurs who have also assured me business subject to me being granted discreet plates.

Please find enclosed the supporting letters as requested.

I therefore respectfully request that my application for the use of discreet plates be put before the next available licensing committee meeting for their consideration.

Yours sincerely,

Colin P Wilson.

4 Grange Mount
Yeadon
Leeds
LS19 7AN
07730 494424
21st April 2016

Dear Sir or Madam


I am the Director of Security Driven, an Executive Private Hire company operating in and around the Selby area. The vehicle that I operate, a Range Rover Sport, has been granted discrete plates, as have the vehicles used from other companies that I work closely with.

I have known Colin Wilson of CPW Chauffeur Services for over 15 years and I fully support him and would be interested in using the executive private hire / chauffeuring business he has set up to enhance my business as my client base grows in size.

I would prefer his vehicle to not have to display 'private hire' plates and badges as my clients like the service to be of a more discrete nature.

Over the past year I have had clients such as Sylvester Stallone and Al Pacino to name but a few.

Yours faithfully



Jeremy Moore
PHD 007
PHV008
PHO018



2016

15th April

Dear Sirs

Re: Support for Colin Wilson's application for a discreet license

I am the owner of Potter Chauffeurs and operate an executive private hire and chauffeur company comprising of several executive vehicles based in the local area.

I have known Colin Wilson for a number of years and can say that Potter Chauffeurs would use his executive chauffeuring services and the experience he brings from his previous career as a former Close Protection officer and driver in the Police.

I have an extensive client base of both business and private clients in the Yorkshire area and I would prefer his vehicle not to have 'private hire' badges displayed as my clients feel this portrays a more professional image as well as a discreet service which they prefer.

Yours faithfully,

Ross

Ross Potter
Potter Chauffeurs
5 New Street
Selby
YO8 4PT
[07949 966686](tel:07949966686)

Morar House

Kirklington

Bedale

DL8 2NE


Dear Sir / Madam

On behalf of The Yorkshire Chauffeur Company I can say that we will use Colin Wilson as a licensed driver in his Range Rover.

We would prefer his vehicle to display discreet plates due to the nature of our work and the type of clients we work with / for..

If you need any further information please let me know

Yours faithfully


Howard Smelt-Webb
The Yorkshire Chauffeur Company
www.theyorkshirechauffeurcompany.co.uk



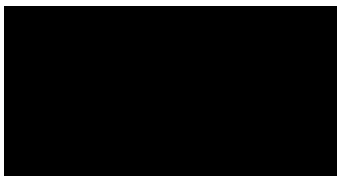
Licencing
Selby District Council,
Civic Centre,
Doncaster Road,
Selby,
North Yorkshire,
YO8 9FT

3rd March 2016

To whom it may concern,

I can confirm that The Black Swan Hotel, Helmsley will utilise the services of Colin Wilson and The Yorkshire Chauffeur Company as Executive Private Hire for our clients and Executives as requested or required.

Yours sincerely



Jayne Potter
Marketing & Events Manager

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 from 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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