

## Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY 5 DECEMBER 2016**  
Time: **10.00AM**  
Venue: **COMMITTEE ROOM**  
To: **Councillors C Pearson (Chair), K Ellis (Vice Chair), D Buckle, Mrs J Chilvers, Mrs S Duckett, M Hobson, 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 November 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 and Guidance on the Relevance of Convictions

To confirm the procedure to be followed at the meeting, including Appendix C to the Council's Taxi Licensing Policy which details the guidance on the relevance of convictions when determining applications for licences (pages 5 to 8 attached).

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

**6. Hackney Carriage Tariffs: Proposed Increase from 1 April 2017 (L/16/13)**

To receive the report of the Senior Enforcement Officer, which asks the Committee to consider an increase to the Hackney Carriage tariffs (pages 9 to 18 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. Application for a Private Hire Driver's Licence (L/16/14)**

To receive the report of the Senior Enforcement Officer, which asks the Committee to determine an application for a Private Hire Driver's Licence (pages 19 to 24 attached).

**9. Consideration of a Hackney Carriage Driver's Licence (L/16/15)**

To receive the report of the Senior Enforcement Officer, which asks the Committee to consider a Hackney Carriage Driver's Licence following a complaint being made to the Council about the driver's conduct (pages 25 to 45 attached).

**Gillian Marshall  
Solicitor to the Council**

Enquiries relating to this agenda, please contact Daniel Maguire on:  
Tel: 01757 705101 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 November 2016
Time:	10.00am
Present:	Councillors C Pearson (Chair), K Ellis (Vice-Chair), D Buckle, Mrs J Chilvers, S Duckett, M Hobson, B Marshall, R Sweeting, and Mrs D White (arrived 10.20am, during minute 33).
Apologies:	Councillor J Thurlow.
Officers present:	Gillian Marshall, Solicitor to the Council; Tim Grogan, Senior Enforcement Officer; Chris Watson, Assistant Policy Officer (for minute number 33); Rebecca Ware, Legal Officer (for minute number 33); Clare McMichan, Business Administration Assistant; and Daniel Maguire, Democratic Services Officer
Public:	0
Press:	0

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### 26. MINUTES

The Committee considered the minutes of the Licensing Committee meeting held on 5 September 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 5 September 2016.**

### 27. DISCLOSURES OF INTEREST

There were no disclosures of interest.

## **28. PROCEDURE**

The Committee noted the Licensing Committee procedure, including the section of the Licensing Policy regarding the relevance of convictions.

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

The Chair welcomed officers and Councillors.

## **30. 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 paragraph 3 of Schedule 12(A) of the Act.**

## **31. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (REPORT L/16/12)**

The Senior Enforcement Officer presented the report which was an application for a Private Hire Driver's Licence. The application had been brought to the Committee because the Disclosure and Barring Service (DBS) report had highlighted previous convictions.

The applicant was present and was able to answer questions from the Committee.

The applicant and the Senior Enforcement Officer left the meeting whilst the Committee considered the application.

### **RESOLVED:**

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

#### *Reason for decision:*

*The Committee, having considered the Council's Taxi Licensing Policy and in particular the Relevance of Convictions (appendix C) agreed that the applicant met the requirements in respect of: the nature of the convictions; the period of time since conviction; and that there had been no further convictions.*

### **32. PUBLIC SESSION**

The Committee considered if the public and press should remain excluded from the meeting.

**RESOLVED:**

**That the Committee returns to public session and that the press and public be readmitted to the meeting.**

*Reason for decision:*

*The reasons for excluding the public and press were no longer applicable.*

### **33. CHARITABLE COLLECTIONS POLICY (REPORT L/16/10)**

The Assistant Policy Officer presented the report which asked the Committee to consider a draft Charitable Collections Policy. It was explained that the draft policy had been developed in response to increased demand for charitable collections within the Selby district following the success of recent events such as the Tour de Yorkshire. It was explained that although not a statutory requirement, the lack of a policy meant that the Council's decisions could be subject to legal challenge.

The Committee noted that the draft policy: set out the legislative background; explained the Council's expectations; described the service and standards that the Council would provide to charities and the public; and included a voluntary Code of Conduct for direct-debit street collections. It was explained that the draft policy would also be considered by the Policy Review Committee before being presented for approval to the Executive.

Councillor Mrs D White entered the meeting at this point.

The Committee welcomed the draft policy, but noted that guidance in the draft policy would ordinarily permit house to house collections between 8am and 8pm. The Committee was concerned that some residents may feel intimidated by house to house collections during the hours of darkness. It was agreed to recommend that the condition be amended to reflect the difference between summer and winter.

**RESOLVED:**

- (i) To recommend that the hours during which house to house collections would ordinarily be permitted are amended to be 9am to 5pm and extended to 8pm during British Summer Time; and**
- (ii) To note the proposed role of the Licensing Committee to consider appeals relating to street collection licences.**

*Reasons for decision:*

*To ensure that the Licensing Committee provides its comments prior to the draft policy being considered by the Executive.*

#### **34. TAXI LICENSING POLICY (REPORT L/16/11)**

The Solicitor to the Council presented the report which asked the Committee to consider changes to section 3.3 of the Taxi Licensing Policy. It was confirmed that the proposed changes related to the requirement for new hackney carriage and private hire applicants to successfully complete the Driver and Vehicle Standards Agency (DVSA) test prior to the initial application

The Solicitor to the Council reported that the DVSA would no longer provide this test, and that the Taxi Licensing Policy would have to be amended accordingly. The report presented three options:

- to remove the requirement for applicants to pass an additional driving test;
- to substitute one specified provider to replace the DVSA; or
- to allow drivers to produce evidence of having successfully completed a test from an approved list of providers.

The Solicitor to the Council confirmed that officers had recommended the third option and had included a list of three providers that could be appointed to an approved list pending a full review of options.

It was confirmed that the three companies listed in the report would be included on the approved list of providers, and that the Committee would be consulted before additional providers were added.

#### **RESOLVED:**

- (i) To recommend that the Taxi Licensing Policy be amended to reflect option C in the report; and**
- (ii) To include the three companies listed in the report on an approved list of test providers.**

*Reasons for decision:*

*The Taxi Licensing Policy is required to be updated because the DVSA no longer provides the test referred to in section 3.3 of the policy. The Licensing Committee was invited to make representations in advance of the changes being considered by the Executive.*

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The meeting closed at 10.54am.

## **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.



## Appendix C – Relevance of convictions

The guidance for the relevance of convictions that we use has regard to the joint circular distributed by the Department of Transport and the Home Office (DOT 2/92, HO 13/92).

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

### **(a) Minor Traffic Offences**

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a Hackney Carriage or Private Hire Driver's licence may be granted after its restoration but a warning should be issued as a future conduct.

### **(b) Major Traffic Offences**

An isolated conviction for reckless driving or driving without due care and attention etc. should normally merit a warning as to future conduct and advice on the standard expected of Hackney Carriage and Private Hire Vehicle Drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

### **(c) Drunkenness**

#### *(i) With Motor Vehicle*

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period

of 5 years should elapse after treatment is complete before a further licence is considered.

*(ii) Not in Motor Vehicle*

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

**(d) Drugs**

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained or 5 years after detoxification treatment if he/she was an addict.

**(e) Indecency Offences**

As Hackney Carriage and Private Hire Vehicle Drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

**(f) Violence**

As Hackney Carriage and Private Hire Vehicle Drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

**(g) Dishonesty**

Hackney Carriage and Private Hire Vehicle Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.

In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

**Public Session**

**Report Reference Number: L/16/13**

**Agenda Item No: 6**

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**To: Licensing Committee**  
**Date: 5 December 2016**  
**Author: Tim Grogan – Senior Enforcement Officer**  
**Lead Officer: Gillian Marshall – Solicitor to the Council**

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**Hackney Carriage Tariffs: Proposed Increase from 1 April 2017**

**Summary:**

The Committee is asked to consider whether the hackney carriage tariffs should be increased from 1 April 2017.

**Recommendation:**

**That councillors consider whether to increase hackney carriage tariffs.**

**1. Introduction and background**

1.1 Hackney carriage tariffs are reviewed bi-annually. Tariffs were last reviewed in 2015 and increased in 2013. The current tariffs are set out in Appendix A.

**2. The Report**

2.1 In February 2015 the Committee considered the issue of tariffs. One response to the review letter had suggested a change to the tariffs. Having considered the number of responses and the fact that no other response requested a change Councillors resolved not to increase the tariff.

2.2 As part of the current consultation process letters were sent out to 53 Hackney Carriage proprietors on 13 September 2016. The closing date for replies was 25 October 2016. 6 replies were received.

2.3 Of the 6 replies received 5 requested no change. The remaining reply requested a substantial change in terms of vehicles carrying 5 or more passengers. All replies appear at Appendix B.

2.4 As a consequence of the combined effect of 47 hackney carriage proprietors not offering a response and 5 requesting 'no change' the recommendation of officers is that tariffs should remain unchanged, see Appendix A

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

#### **3.1 Legal Issues**

In accordance with the terms of section 65 of the Local Government (Miscellaneous Provisions) Act 1976, fares for hackney carriages are fixed and varied by the Local Authority. .

The Committee has the option to increase the fees or decide that there should be no change

#### **3.2 Financial Issues**

Should the tariffs require change they would need to be advertised.

### **4. Conclusion**

That Councillors consider whether to change the tariffs.

### **5. Background Documents**

None

**Contact Officer: Tim Grogan: [tgrogan@selby.gov.uk](mailto:tgrogan@selby.gov.uk)**

### **Appendices**

A. The current Hackney Carriage tariffs.

B. Copies of the 6 tariff returns

**PUBLIC NOTICE**  
**SELBY DISTRICT COUNCIL**  
**HACKNEY CARRIAGE FARE STRUCTURE**

**CURRENT FARES**

**TARIFF ONE**

DAYTIME 7am – 11pm  
(Monday to Saturday)  
£3.00 for the first ¼ mile  
£1.60 for every mile thereafter  
(10p every other 1/16 mile (110yards))

**TARIFF TWO**

NIGHT TIME 11pm – 7am.  
(all day Sunday & Bank Holidays)  
£3.50 for the first ¼ mile  
£1.80 for every mile thereafter  
(10p every other 1/18 mile (97¾yards))

**WAITING TIME**

£15.00 per hour (10p every 24 seconds)

**WAITING TIME**

£20.00 per hour (10p every 18 seconds)

**TARIFFS 3 & 4 CHRISTMAS & NEW YEAR**

Double the appropriate tariff  
1800 hours 24 December to 0700 hours 27 December each year and  
1800 hours 31 December to 0700 hours 2 January each year.

**TARIFF 5** (to be used only when carrying 5 or more passengers in a vehicle licensed so to do).

Day & night time including Sundays & Bank Holidays  
£4.00 for the first ¼ mile  
£2.40 for every mile thereafter.

**WAITING TIME**

£20.00 per hour (10p every 18 seconds)

**TARIFF 6 CHRISTMAS & NEW YEAR**

Double Tariff 5  
1800 hours 24 December to 0700 hours 27 December each year and  
1800 hours 31 December to 0700 hours 2 January each year.

**EXTRAS**

CATS & DOGS	Carried at the Driver's discretion 20p
GUIDE DOGS	Free carriage
FOULING CHARGE	£50.00

Objections to the new fare structure must be made in writing and submitted to the Solicitor To The Council Selby District Council, Civic Centre, Doncaster Road, Selby YO8 9FT, within 14 days of publication of this Notice.

G Marshall  
Solicitor To The Council

30 January 2015

HACKNEY TARIFFS 2017

1) NO CHANGE ✓

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. \_\_\_\_\_

NAME \_\_\_\_\_

SIGNED \_\_\_\_\_

DATE

MONDAY 19th SEPT 2016

Licensing

HACKNEY TARIFFS 2017

26 SEP 2016

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S.

NAME

SIGNED

DATE

26.9.2016

HACKNEY TARIFFS 2017

BUSINESS SUPPORT  
27 SEP 2016  
RECEIVED

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. [REDACTED]

NAME [REDACTED]

SIGNED [REDACTED]

DATE 19/9/16.



HACKNEY TARIFFS 2017

1) NO CHANGE

2) CHANGE

CUSTOMER SERVICES  
RECEIVED

29 SEP 2016

PLEASE WRITE BELOW SUGGESTED CHANGES

PLATE NO/S. \_\_\_\_\_

NAME \_\_\_\_\_

SIGNED \_\_\_\_\_

DATE \_\_\_\_\_

16/9/2016

HACKNEY TARIFFS 2017

1) NO CHANGE

2) CHANGE

Customer Contact Centre  
Received  
26 OCT 2016

PLEASE WRITE BELOW SUGGESTED CHANGES

NO CHANGE

PLATE NO/S. 

NAME 

SIGNED 

DATE 4<sup>th</sup> Oct 2016

HACKNEY TARIFFS 2017

1) NO CHANGE

2) CHANGE

PLEASE WRITE BELOW SUGGESTED CHANGES

Introduce A Night Tariff for Tariff 5, and Respective Xmas Tariff's:- For Example.

Day Tariff 5	£4.50 FLAG	£2.40 Per Mile	£20 Per Hour Waiting
Night Tariff 6	£5.00 FLAG	£2.60 Per Mile	£25 Per Hour Waiting
Day Xmas Tariff 7	£9.00 FLAG	£4.80 Per Mile	£40 Per Hour Waiting
Night Xmas Tariff 8	£10.00 FLAG	£5.20 Per Mile	£50 Per Hour Waiting

PLATE NO/S.                     

NAME                     

SIGNED                     

DATE 4<sup>TH</sup> October 2016

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