

## Agenda

Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY 9 JANUARY 2017**  
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 5 December 2016 and the Extraordinary Licensing Committee meeting on 19 December 2016 (pages 1 to 8 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 confirm the procedure to be followed at the meeting (pages 9 to 10 attached).

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

**6. Application for a discreet Private Hire Vehicle Licence (L/16/17)**

To receive the report of the Senior Enforcement Officer, which asks the Committee to determine an application for a discreet Private Hire Vehicle Licence (pages 11 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. Review of Private Hire Driver's Licence (L/16/18)**

To receive the report of the Senior Enforcement Officer, which asks the Committee to review a Private Hire Driver's Licence (pages 19 to 32 attached).

**9. Application for a certificate to exempt a Hackney Carriage driver from assisting passengers on medical grounds (L/16/19)**

To receive the report of the Senior Enforcement Officer, which asks the Committee to consider an application from a Hackney Carriage driver for an exemption from the requirement to assist passengers (pages 33 to 42 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, Civic Centre, Selby.   |
| Date:             | Monday 5 December 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, J Thurlow and Mrs D White.   |
| Apologies:        | None.  |
| Officers present: | Gillian Marshall, Solicitor to the Council; Tim Grogan, Senior Enforcement Officer; Alison Beaumont, Enforcement Officer; Clare McMichan, Business Administration Assistant; Barbara Patterson, Business Administration Assistant; and Daniel Maguire, Democratic Services Officer |
| Public:           | 0  |
| Press:            | 0  |

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### **35. MINUTES**

The Committee considered the minutes of the Licensing Committee meeting held on 7 November 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 November 2016.**

### **36. DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **37. PROCEDURE**

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

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

The Chair informed the Committee that the draft Charitable Collections Policy would now be considered by the Executive on 5 January 2017 to allow additional time for comments to be received from North Yorkshire Police and Trading Standards.

It was reported that the amendments to the Taxi Licensing Policy made at the previous meeting of the Licensing Committee had been approved by the Executive on 1 December (subject to 'call in' arrangements). The Chair advised that seven companies, not three as previously suggested, had been included in the list of approved providers in respect of the additional test for drivers.

The Committee was advised that new regulations introduced as part of the Immigration Act 2016 required that the Council undertook checks to determine the immigration status of new applicants. It was confirmed that this would be done by officers as part of the standard application process.

Finally the Chair informed the Committee that this would be the last meeting before the Senior Enforcement Officer retired from the Council. The Committee thanked the Senior Enforcement Officer for his work over the previous 12 years and wished him well in his retirement.

### **39. HACKNEY CARRIAGE TARIFFS: PROPOSED INCREASE FROM 1 APRIL 2017**

The Senior Enforcement Officer presented report L/16/13 which asked the Committee to consider not increasing Hackney Carriage Tariffs from 1 April 2017.

The Committee was informed that the Council had consulted with 53 hackney carriage drivers and operators, and had received six responses in total. Of the six responses, five had requested no change and one had requested a substantial change to the charging structure.

#### **RESOLVED:**

**That Hackney Carriage Tariffs are not increased from 1 April 2017.**

*Reason for decision:*

*The Council had consulted operators and drivers, the result of which suggested that there was no demand from within the licensed trade to increase tariffs.*

#### **40. 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.**

#### **41. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (REPORT L/16/14)**

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 and his representative were present, and were able to answer questions from the Committee.

The applicant, his representative 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 period of time since conviction and that there had been no further convictions.*

#### **42. CONSIDERATION OF A HACKNEY CARRIAGE OPERATOR'S LICENCE (REPORT L/16/15)**

The Committee was informed that the operator was not present and that officers had spoken by telephone to the operator, who advised that he had not received notification of the meeting.

The Committee considered that, to be able to fully consider the issues highlighted in the report, the operator needed to be present. The Committee was further concerned that the serious nature of the allegations meant that the report should be considered before the next scheduled meeting.

**RESOLVED:**

- (i) To defer consideration of the report due to the operator not being present; and**
- (ii) To consider the report at an Extraordinary meeting of the Licensing Committee on 19 December 2016.**

*Reasons for decision:*

*To ensure that the Licensing Committee is able to fully consider all representations made in connection with the report.*

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The meeting closed at 10.56am.

## Minutes

### Extraordinary Licensing Committee

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|                   |   |
|-------------------|---|
| Venue:            | Committee Room, Civic Centre, Selby.  |
| Date:             | Monday 19 December 2016   |
| Time:             | 10.00am   |
| Present:          | Councillors C Pearson (Chair), K Ellis (Vice-Chair), D Buckle, Mrs J Chilvers, S Duckett, B Marshall, D Peart (substitute for M Hobson), R Sweeting, J Thurlow and Mrs D White. |
| Apologies:        | Councillor M Hobson.  |
| Officers present: | Gillian Marshall, Solicitor to the Council; Tim Grogan, Senior Enforcement Officer; Alison Beaumont, Enforcement Officer; and Janine Jenkinson, Democratic Services Officer     |
| Public:           | 0   |
| Press:            | 0   |

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#### **43. DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **44. PROCEDURE**

The Committee noted the Licensing Committee procedure.

#### **45. 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.**

#### **46. CONSIDERATION OF A PRIVATE HIRE OPERATOR'S LICENCE (L/16/16)**

The Senior Enforcement Officer presented the report which asked the Committee to consider a Private Hire Operator's Licence, following a complaint being received by the council.

The Solicitor to the Council introduced the Committee members and officers present.

The Private Hire Operator in attendance confirmed that he understood the meeting procedure.

The Chair asked the Senior Enforcement Officer to present the report.

Members were invited to ask the Senior Enforcement Officer questions in relation to the report.

The Private Hire Operator was invited to present his response to the Committee.

Members were given the opportunity to ask the Private Hire Operator questions in relation to his representation.

The Senior Enforcement Officer provided the Committee with a summary of the report and the issues for consideration.

The Private Hire Operator was given the opportunity to make a closing statement.

The Senior Enforcement Officer, Enforcement Officer and the Private Hire Operator withdrew from the meeting to the Committee to consider the representations put forward and make a decision.

***Note - The Committee adjourned the meeting for a five minute break before deliberating; the meeting reconvened and the same members were present.***

The Senior Enforcement Officer, Enforcement Officer and the Private Hire Operator re-joined the meeting to hear the decision of the Committee.

Having heard the representations made, the Committee considered the circumstances put forward and decided to revoke the Private Hire Operator's Licence.

#### **RESOLVED:**

**To revoke the Private Hire Operator's Licence.**



*Reason for decision:*

*That on the balance of probability the Private Hire Operator was not a fit and proper person to hold a Private Hire Operator Licence, for the following reasons:*

- The Operator had failed to fulfil his duty to maintain clear, accurate records in relation to private hire bookings.*
- The Operator had failed to undertake the appropriate checks and had operated an unlicensed driver and an uninsured vehicle.*
- During the Committee meeting the Operator had provided contradictory statements and the Committee were of the view that the witness statements provided in the report were more credible.*

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The meeting closed at 11.40 am.

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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/16/17**

**Agenda Item No: 6**

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**To: Licensing Committee**  
**Date: 9 January 2017**  
**Author: Tim Grogan, Senior Enforcement Officer**  
**Lead Officer: Gillian Marshall, Solicitor to the Council**

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**Summary:**

William Paul Anderson has applied to licence a Mercedes E320 motor vehicle as a Private Hire vehicle whereby the licence is discreet in manner.

**Recommendation:**

**That Councillors determine the application for a Private Hire vehicle licence to a Mercedes E320 motor vehicle in the form of discreet identification under the operation of William Paul Anderson.**

**1. Introduction and background**

1.1 To bring to the attention of the Committee an application from William Paul Anderson, a licensed Private Hire operator, for the grant of a Private Hire vehicle licence for a Mercedes E320 motor vehicle, and that the licence be discreet in manner.

**2. The Report**

- 2.1 On Monday 28 November 2016, William Paul Anderson applied to Selby District Council (see Appendix A) to change his Private Hire vehicle licence in respect of a Mercedes E320 motor vehicle from a vehicle bearing plates to one where the licence is discreet in manner.
- 2.2 On Wednesday 7 December 2016, the applicant was interviewed by a Senior Enforcement Officer who is grateful to him for the courteous manner in which he assisted the officer during the course of his inquiry into the matter.
- 2.3 Mr Anderson was granted a Private Hire driver's licence on 18 December 2015 and received a Private Hire operator's Licence on 11 April 2016. A Private Hire vehicle licence for a Mercedes E320 operated by Mr Anderson was issued on 19 April 2016.

- 2.4 His intention has always been to operate with discreet identification though he was originally licensed with ordinary plates. Initially he worked for Station Cars in order to learn his trade. This was the arrangement until he became an operator and his business has progressed towards executive hire since this time.
- 2.5 His application is supported by three businesses with whom he has become closely associated with during his work as a licensed driver and operator. These individuals have pressed Mr Anderson towards a more discreet identification status.
- 2.6 Each customer has provided letters in support of Mr Anderson's application and confirmed that they can offer him sufficient work. The letters are available at Appendices B, C and D).
- 2.7 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.
- 2.8 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.
- 2.9 Other 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
- 2.10 A copy of the disc (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 twenty occasions since, although not all licenses are extant. 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 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](mailto:tgrogan@selby.gov.uk)**

### **Appendices:**

- A. Letter of application from William Paul Anderson
- B. Letter of support from David Swift
- C. Letter of support from John Swale
- D. Letter of support from Paddy Green
- E. Copy of disc

William Paul Anderson  
40 Nautica  
The Waterfront  
Selby  
YO8 8FD

Mr T Grogan,  
Senior Enforcement Officer  
Selby District Council,  
Civic Centre,  
Doncaster Road,  
Selby,  
YO8 9FT

**Operators Licence Number PHO026**  
**Vehicle Plate Number PHV080**

28<sup>th</sup> November 2016

Dear Mr Grogan

I wish to apply for "Discrete Badge" status for my private hire vehicle.

I commenced my fledgling business, *Yorkshire Executive Travel*; in May of this year.

During the last six months I have secured several contracts for my chauffeur service and also undertake work for Galaxy Executive Travel of Leeds and Platinum VIP Chauffeurs of York.

I have enclosed letters of request from three of my accounts in support of my application which I hope you may view favourably.

I look forward to speaking with you again soon

Yours Sincerely





**Keydata Solutions Limited**  
38 Azerley Grove  
Harrogate  
North Yorkshire HG3 2SY  
Tel: 01423 608190  
[www.keydatasolutions.co.uk](http://www.keydatasolutions.co.uk)

Mr P Anderson  
Yorkshire Executive Travel  
The Waterfront  
Selby  
North Yorkshire  
YO8 8FD

28<sup>th</sup> September 2016

**Reference: Chauffeur Services**

Dear Mr Anderson

Regarding the services we use from Yorkshire Executive Travel for our clients and management team.

Would it be possible to remove or alter the large red taxi number from your vehicle?

A number of our clients have mentioned that the chauffeur service we offer to them for travelling to our office and meetings held at various UK locations does not quite reflect the "Special Chauffeur" service we are offering them.

We realise that vehicles have to carry a particular license but is there an alternative to the large red square style number plate fitted to your Mercedes?

Our company enjoys the reliability, professionalism, efficiency and cost effectiveness that you have given us over the last several months but thought we must bring this feedback to your attention.

We look forward to hearing from you in due course and hope this matter can be resolved.

Yours Sincerely

  
David Swift  
Managing Director

Paul Anderson  
Yorkshire Executive Travel  
Selby

20<sup>th</sup> October 2016

Dear Paul,

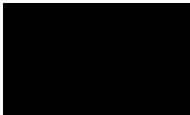
I am writing to enquire if you can see if the current large permit display signs that you currently have on your windscreen can either be removed, or failing that, reduced in size.

I think that it does not help your business to have such prominent "taxi" style signs in your car, when you are attempting to promote your business as an executive hire company.

As you know, I make use of your services frequently and would appreciate a more executive style if that could be possible.

No doubt you will bring me up to date when we next meet.

Kind regards,



John Swale.  
General Manager

**LIMEWOOD INVESTMENTS LIMITED**  
**FOGGATHORPE HOUSE, FOGGATHORPE YO8 6PX**

**Yorkshire Executive Travel**  
**40 Nautica**  
**The Waterfront**  
**Selby**  
**YO8 6FD**

**03/10/16**

**Dear Paul,**

**As you know, I use your services extensively for airport travel and for business use.**

**The fact that your Mercedes has large taxi style signs in the windscreen does, I'm afraid, detract from your wish to appear as an executive travel service.**

**I know that you are aware of this, in fact you commented to me that a number of your customers have raised this issue with you, so I support you in your proposal to see if you could get some relaxation on the regulations.**

**I wish you luck and look forward to hearing how you are getting on when we next meet.**



**Paddy Green**  
**Director.**

**Registered in England No. 4874757 VAT Reg. No. 828 0887 95**  
**Registered office: Foggathorpe House, Foggathorpe YO8 6PX**

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