

# Minutes

## Licensing Committee

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Venue:	Committee Room, Civic Centre, Selby.
Date:	Monday 6 March 2017
Time:	10.00am
Present:	Councillors C Pearson (Chair), D Buckle, Mrs J Chilvers, S Duckett, K Ellis, M Hobson, B Marshall, R Sweeting, and Mrs D White.
Apologies:	None.
Officers present:	Gillian Marshall, Solicitor to the Council; Alison Beaumont, Enforcement Officer (for minute numbers 55 to 60); Barbara Patterson, Business Administration Assistant; and Daniel Maguire, Democratic Services Officer
Public:	0
Press:	0

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### **55. MINUTES**

The Committee considered the minutes of the Licensing Committee meeting held on 9 January 2017. 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 9 January 2017.**

### **56. DISCLOSURES OF INTEREST**

Councillors Mrs J Chilvers and B Marshall both declared that the applicant being considered at agenda item 9 (minute number 60) was known to them, and although not a disclosable interest both councillors advised that they

would not participate and would leave the meeting during discussion of the application.

## **57. PROCEDURE**

The Committee noted the Licensing Committee procedure.

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

The Chair advised the Committee that he would consider agenda items 8 and 9 before agenda item 6 to avoid the applicant having to wait.

## **59. 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.**

## **60. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE (REPORT L/16/22)**

The Enforcement Officer presented the report which asked the Committee to determine an application for a Hackney Carriage Driver's Licence. The application was brought before the Committee due to a Disclosure and Barring Service (DBS) check highlighting a number of previous convictions.

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

The applicant and the Enforcement Officer left the meeting whilst the Committee considered the application. Councillors Mrs J Chilvers and B Marshall also left the meeting in connection with their earlier disclosure of interest.

The Committee considered that the convictions were of concern but that the applicant had been free from conviction for ten years. The Committee noted that the Council's Licensing Policy required applicants to be free from conviction for at least 3 to 5 years. During questioning the Committee established that the applicant had previously been employed as a coach driver which would have required him to be in regular contact with the public including for prolonged periods of time. The Committee considered that the evidence presented demonstrated that the applicant was a 'fit and proper

person' to be a licensed Hackney Carriage driver, but that a strongly-worded letter should be issued to advise the applicant on the Council's expectations and standards.

A proposal to grant the application, subject to a strongly-worded letter being issued to advise the applicant on their future conduct, was moved and seconded.

An amendment to refuse the application was proposed but was not seconded.

**RESOLVED:**

**To grant the application for a Hackney Carriage Driver's Licence subject to a strongly-worded letter being issued to advise the applicant on their future conduct.**

*Reason for decision:*

*The Committee, having considered the Council's Taxi Licensing Policy (and in particular the Relevance of Convictions at appendix C), and the evidence available to it, determined that the applicant was a 'fit and proper person' to be a licenced Hackney Carriage driver.*

Councillors Mrs J Chilvers and B Marshall returned to the meeting.

The applicant re-entered the meeting and the Solicitor to the Council confirmed the Committee's decision. It was confirmed that the strongly-worded letter could be taken into account if the applicant appeared before the Committee in the future.

**61. PUBLIC SESSION**

**RESOLVED:**

**To return to public session.**

*Reasons for decision:*

*The nature of the business to be considered was no longer considered to be exempt as described in Schedule 12A of the Local Government Act 1972 (as amended).*

**62. GAMBLING POLICY REFRESH (REPORT L/16/20)**

The Assistant Policy Officer presented the report, which asked the Committee to consider the draft Gambling Policy and to provide comments or recommendations as part of the consultation process. It was confirmed that the Council was required to review the policy every 3 years.

The Assistant Policy Officer confirmed that the draft policy had been updated to reflect changes to the Gambling Commission's latest guidance and the new

Licence Conditions and Code of Practice. The Committee was also informed that the draft policy included new guidance on the Registration of Small Society Lotteries.

The Committee was advised that public consultation had started on 20 January 2017 and would continue until 14 March 2017, and would include statutory consultees as well as non-statutory consultees such as parish councils, district councillors and the general public. It was anticipated that the final policy would be presented to the Executive on 6 April 2017 and Full Council on 25 April 2017.

The Committee was able to ask questions of the Assistant Policy Officer, but did not make any additional recommendations.

**RESOLVED:**

**To note the report.**

*Reason for decision:*

*The Committee was asked to review and comment on the draft Gambling Policy as it will be required to refer to the Gambling Policy when determining licensing matters.*

**63. CHANGES TO THE LEGISLATION AFFECTING DRIVERS AND THE DUTY TO ASSIST WHEELCHAIR USERS (REPORT L/16/21)**

The Solicitor to the Council presented the report, which updated the Committee on proposals to bring into force legislation (section 165 of the Equality Act 2010) which would make it illegal for licensed taxi drivers of designated wheelchair-accessible vehicles (WAVs) to discriminate against wheelchair users unless the driver had been granted an exemption by the Licensing Authority.

The Committee was advised that the legislation set out specific requirements for taxi and private hire drivers in relation to wheelchair-users when driving a WAV, and that those drivers who failed to comply with the requirements would be committing a criminal offence. The Committee was further advised that the legislation allowed for drivers to apply to the Licensing Authority for an exemption on medical grounds.

The Solicitor to the Council advised that the Council would need to introduce a defined process for determining medical exemptions. It was confirmed that the Licensing Committee would have a key role in developing this process, and that it could be part of a wider piece of work to review other policies and procedures relating to taxi and private hire licensing. The Committee suggested that a workshop should be arranged so that all Committee members could provide input.

**RESOLVED:**

- (i) To note the report and the steps required to implement the new arrangements; and**
- (ii) To ask the Solicitor to the Council to arrange a workshop for Licensing Committee members to consider the new arrangements as part of a wider review of licensing arrangements at the council.**

*Reason for decision:*

*The Council is required to ensure that policies and procedures are effective, up-to-date and compliant with legislation and statutory guidance. The Committee will be required to determine relevant matters in accordance with the policies and legislation.*

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The meeting closed at 11.23am.