

## Minutes

### Licensing Committee

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Venue:	Committee Room, Civic Centre, Selby.
Date:	Monday 15 May 2017
Time:	10.00 am
Present:	Councillors C Pearson (Chair), D Buckle, Mrs J Chilvers, S Duckett, K Ellis, M Hobson, B Marshall, and Mrs D White.
Apologies:	Councillor R Sweeting.
Officers present:	Gillian Marshall, Solicitor to the Council; Clare McMicham, Licensing Assistant; Rebecca Ware, Solicitor; and Janine Jenkinson, Democratic Services Officer.
Public:	0
Press:	0

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#### **64. MINUTES**

The Committee considered the minutes of the Licensing Committee meeting held on 6 March 2017.

#### **RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 6 March 2017, for signature by the Chair.**

#### **65. DISCLOSURES OF INTEREST**

Councillor K Ellis declared that he had a personal interest in relation to agenda item 9 – Application for a Private Hire Operators Licence (L/16/25), as the applicant was known to him. He said he would withdraw from the meeting when the application was considered.

#### **66. PROCEDURE**

The Committee noted the Licensing Committee procedure.

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

The Chair reported the following:

### House of Lords Select Committee

The Committee was informed that the House of Lords had appointed a Select Committee on 25 May 2016 to undertake post legislative scrutiny on the Licensing Act 2003. The Chair reported that the Committee had looked at the provisions of the Act in its original form, its subsequent amendments, its implementation, and at related developments. The Select Committee had reported its findings on 4th April 2017. Members were informed that the report contained some interesting recommendations including a suggestion that licensing functions be exercised by planning committees rather than licensing committees and that appeals be considered by the Planning Inspectorate.

The Chair reported that a briefing note had been prepared for Licensing Committee members. Members were also informed that it would be for the new Government to decide which, if any of the recommendations of the Select Committee would be taken forward.

### Revised Guidance under s182 Licensing Act 2003

The Chair reported that the Home Office had issued revised Guidance under Section 182 of the Licensing Act 2003. Members were informed that the Licensing Committee was required to have regard to the Guidance if it was dealing with alcohol licensing matters.

The Chair advised that one of the key areas of change had been to include the amendments brought about by the Immigration Act, to ensure that Licensing Authorities checked that people had the right to work in the UK before issuing licences. The new Guidance also confirmed that the Home Office Immigration Enforcement had become a 'responsible authority'.

Members were advised that another key change had been the introduction of Chapter 12, which dealt with Summary Reviews. Summary Review guidance had previously been contained in separate documentation issued by the Home Office. The Chair advised that Summary Reviews were powers the police had to deal with premises suspected of selling alcohol associated with serious crime or serious disorder. The powers allowed for interim conditions to be attached to a licence and for a fast-track licence review to take place.

The Chair reported that Paragraph 4.5 of the Guidance dealt with the introduction of the Police and Crime Act 2017 power for Licensing Authorities to revoke or suspend personal licences, with effect from 6 April 2017. The Chair stated that this was a discretionary power. Members were informed that when a Licensing Authority had granted a personal licence and became aware that the licence holder had been convicted of a relevant offence, foreign offence or had been required to pay an immigration penalty, the

Licensing Authority may revoke the licence or suspend it for a period of up to six months. The Chair reported that a paper on the use of the power would be presented to the next Licensing Committee meeting.

The Chair informed the Committee that he would consider agenda items 7 and 9 before agenda item 6, to avoid the applicants having to wait.

#### **68. APPLICATION FOR A DISCREET PRIVATE HIRE VEHICLE LICENCE (L/16/24)**

The Solicitor presented the report which asked the Committee to determine an application for a discreet Private Hire Vehicle Licence.

The applicant, Mark Wright had applied to the Council for exemption from the following requirements:-

- To display a vehicle plate.
- That the driver (of said vehicle to which the exemption related) should 'wear his badge in such position and manner as to be plainly and distinctly visible'.

The Solicitor explained that the application was for two vehicles, both of which had existing Private Hire Vehicle Licences.

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

The applicant and Solicitor left the meeting whilst the Committee considered the application.

The Solicitor and applicant re-entered the meeting and the Solicitor to the Council confirmed the Committee's decision to grant the application.

#### **RESOLVED:**

**To GRANT the application for a discreet Private Hire Vehicle Licence to Mr Mark Wright.**

*Reason for decision:*

*The Committee was required to determine the application in accordance with the Council's Licensing Policy.*

#### **69. 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.**

*Note – Following his declaration of interest, Councillor K Ellis left the Committee Room at this point in the meeting.*

**70. APPLICATION FOR A PRIVATE HIRE OPERATORS LICENCE (L/16/25)**

The Solicitor presented a report which asked the Committee to determine an application for a second Private Hire Operators Licence.

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

The Solicitor and applicant left the meeting whilst the Committee considered the application.

The Solicitor and applicant re-entered the meeting and the Solicitor to the Council confirmed the Committee's decision to grant the application.

**RESOLVED:**

**To GRANT the application for a Private Hire Operators Licence.**

*Reason for decision:*

*The decision was in-line with Section 55 of the Local Government (Miscellaneous Provision) Act 1976, that required the Licensing Committee to be satisfied that the applicant was a fit and proper person to hold an Operator's Licence.*

**71. PUBLIC SESSION**

**RESOLVED:**

**To return to public session.**

*Reason 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)*

**72. ENFORCEMENT UPDATE**

The Committee considered a report that provided an update regarding recent enforcement action taken by officers, in accordance with their delegated functions in relation to the licensing of Hackney and Private Hire Taxis.

**RESOLVED:**

**To note the report.**

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The meeting closed at 11.00 am.