

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 2 DECEMBER 2013**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow**

1. **Apologies for absence**

2. **Minutes**

To confirm as a correct record the minutes of the Licensing Committee held on 4 November 2013 (pages 1 to 3 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.

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 outline the procedure to be followed at the meeting (Pages 4 to 5)

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

6. 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 item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 7 of Part 1 of Schedule 12(A) of the Act.

7. Application for a Hackney Carriage Licence in Respect of a Particular Vehicle

To receive the report of the Senior Enforcement Officer L/13/13 (pages 6 to 13 attached)

**Mary Weastell
Chief Executive**

Dates of next meetings
6 January 2014
3 February 2014
3 March 2014

Enquiries relating to this agenda, please contact Palbinder Mann on:
Tel: 01757 292207 Email: pmann@selby.gov.uk

Minutes

Licensing Committee

Venue:	Committee Room
Date:	4 November 2013
Present:	Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow
Apologies for Absence:	None
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer

25. MINUTES

It was agreed to amend resolution two on the minutes of the Licensing Hearing on 19 August 2013 to correct the typographical error.

RESOLVED:

To APPROVE the minutes of the Licensing Committee meeting held on 7 October 2013 and the Licensing Hearings held on 5 June 2013 and 19 August 2013 and to be signed by the respective Chairs.

26. DISCLOSURES OF INTEREST

There were no declarations of interest.

27. PROCEDURE

The procedure was noted.

28. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair made no address

The Committee agreed to amend the running order of the agenda.

29. PRIVATE SESSION

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

30. APPLICATION FOR A HACKNEY CARRIAGE LICENCE IN RESPECT OF A PARTICULAR VEHICLE

The Senior Enforcement Officer explained that the applicant's vehicle had broken down therefore the applicant was unable to attend the Committee meeting today. The Committee agreed to defer the application to the next meeting.

RESOLVED:

To DEFER consideration of the application to the next Committee meeting.

The Committee moved back into public session.

31. APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE IN RESPECT OF A MERCEDES BENZ MOTOR VEHICLE

The Senior Enforcement Officer presented the **Report L/13/11** which considered an application for a Private Hire Vehicle Licence in respect of a Mercedes Benz motor vehicle. It was explained that the applicant had requested that the licence be discreet in manner. The applicant was in attendance.

Councillors were given the opportunity to question the applicant in connection with the application. The Committee then discussed the matter and considered whether the application should be granted.

RESOLVED:

To APPROVE the grant of a discreet Private Hire Vehicle Licence for a Mercedes Benz motor vehicle.

32. GOVERNMENT CONSULTATION ON PERSONAL LICENCES ISSUED UNDER THE LICENSING ACT 2003

The Senior Enforcement Officer presented the **Report L/13/10** which outlined the Government consultation on personal licences. The Senior Enforcement Officer explained that the Government were consultation on the proposal to abolish personal licences and the deadline for comments for the consultation was 7 November 2013.

The Committee were against the idea of abolishing personal licences as they felt this would undermine the licensing objectives. They also felt the proposal would increase bureaucracy.

The Senior Enforcement Officer read out a draft response to the consultation and this was endorsed by the Committee. It was agreed this would be the response that would be sent. It was also agreed that the response would be sent to the Committee.

RESOLVED:

- 1) To APPROVE the draft response prepared by the Senior Enforcement Officer as the formal consultation response.**
- 2) To send the draft response to the Committee.**

The meeting closed at 10.46am

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 a fair hearing 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 Solicitor will inform in writing to the applicant the decision of the Licensing Committee.