

Minutes

Licensing Committee

Venue:	Committee Room, Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 2 December 2019
Time:	10.00 am
Present:	Councillors K Ellis (Chair), R Sweeting (Vice-Chair), J Chilvers, S Duckett, I Chilvers, T Grogan, J Duggan, M McCartney and P Welch
Officers present:	Sharon Cousins, Licensing Manager, Jade Reynolds, Solicitor and Dawn Drury, Democratic Services Officer
Public:	0
Press:	0

45 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Jordan.

46 MINUTES

The Committee considered the minutes of the meeting held on 4 November 2019.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 4 November 2019.

47 DISCLOSURES OF INTEREST

Councillor Welch declared a non-pecuniary interest in agenda item 8 "Hackney Carriage Driver's Licence" as he knew the driver concerned, and therefore stated he would be leaving the meeting during the consideration of this item.

48 PROCEDURE AND TAXI LICENSING POLICY

The Committee noted the Licensing Committee procedure and the Council's Taxi Licensing Policy.

49 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

There was no Chair's address.

The Chair indicated that he would be amending the order of business to allow agenda item number 8, Application for a Hackney Carriage Driver's Licence to be considered first as agenda item number 6; the rest of the business would follow as set out in the agenda.

50 PRIVATE SESSION

It was proposed, and seconded, that the Committee sit in private session due to the nature of the business to be transacted.

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.

51 APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

Further to his earlier declaration, Councillor Welch left the meeting at this point.

The Chair paused the meeting at 10.07 am to allow the Committee to read additional documents received in respect of agenda item number 8, application for a hackney carriage driver's licence.

The meeting re-commenced at 10.20 am

The Chair informed the applicant that the Committee had read and considered the additional documents that had been circulated that morning.

The Licensing Manager presented the report, which asked the Committee to determine an application for a Hackney Carriage Driver's Licence. It was noted that the application had been brought before the Committee due to a Disclosure and Barring Service (DBS) check highlighted previous convictions during the application process.

The applicant was present and was able to respond to questions asked by the Committee concerning the report including the previous convictions.

The applicant and Licensing Manager left the meeting whilst the Committee considered the application.

The Committee considered the report, the additional documents and the information from the Licensing Manager, and stated that they were concerned by the number and seriousness of the offences.

The Committee considered that the evidence presented did not demonstrate that the applicant was a 'fit and proper' person to be a Hackney Carriage driver. It was proposed, and seconded, to refuse the application.

RESOLVED:

To refuse the application for a Hackney Carriage Driver's Licence.

Reason for decision:

The committee was not satisfied that the applicant was a 'fit and proper person'; due to the number and seriousness of the offences.

It was proposed, and seconded, that the Committee return to Public Session.

Councillor Welch returned to the meeting.

52 SELBY TAXI LICENSING POLICY 2019

The Licensing Manager presented the report, which asked the Committee to provide representations to be referred to the Executive at the meeting to take place on 9 January 2020, regarding the proposed Taxi Licensing Policy 2019 as attached at appendix A.

Members heard that, if approved, the Taxi Licensing Policy 2019 would update wheelchair accessibility standards to comply with the Equalities Act legislation. The effect of this would be that those wheelchair accessible vehicles currently licensed as Hackney Carriage vehicles (HC) would no longer meet the requirements to be officially recognised as "Wheelchair Accessible" in the 2019 Taxi Licensing Policy, and would instead become and be treated as non-wheelchair accessible HC Vehicles.

The Licensing Manager confirmed if the new policy was adopted, upon renewal of the Hackney Carriage vehicle the proprietors would need to provide a VOSA certificate of conformance. This would confirm that the converted wheelchair accessible vehicle had been converted to European Community Whole Vehicle Type Approval (ECWVTA). It was further confirmed that if the certificate was not provided then the condition on the vehicle licence which confirmed that the vehicle was used as a wheelchair accessible vehicle would be removed, and the vehicle would become "Non Wheelchair Accessible".

Members noted that following the implementation of the 2019 Taxi Licensing Policy, the number of wheelchair accessible vehicles would gradually be built up over time and in accordance with the new standards of wheelchair accessible, which would comply with the Equalities Act legislation.

Discussion took place regarding the recent decision to revoke the licence of a Selby licensed Private Hire and Hackney driver through the urgency procedure in the Council's Constitution, Members were in agreement that in such cases the decision should be delegated to the Head of Legal in consultation with the Chair of Licensing Committee.

Members raised concerns regarding the Hackney Carriage fleet which would require all new vehicles to the fleet to be "Wheelchair Accessible" vehicles once the new Taxi Licensing Policy was implemented; the Licensing Manager confirmed that should a driver apply for a saloon type vehicle the matter would be brought before the Licensing Committee as it would be a departure from the Policy.

The Committee agreed to endorse the new Taxi Licensing Policy 2019, but made the following recommendations:-

- That the number of wheelchair accessible Hackney Carriage vehicles be reported annually to the Licensing Committee,
- In the event that the wheelchair accessible vehicle and non-wheelchair accessible vehicle split approached 70/30 the Executive considered reviewing that part of the policy; and
- That at page 26 of the policy, in relation to immediate revocation, the Committee suggested that it stated the Head of Legal in consultation with the Chair of Licensing Committee took such a decision.

RESOLVED:

To provide representations as detailed above regarding the proposed changes to the Selby Taxi Licensing Policy 2019 as shown at appendix A, to the Executive at the meeting to be held on 9 January 2020.

Reason for decision:

The proposed changes to Selby's Taxi Licensing Policy 2019 would strengthen the current policy by endorsing the requirement that public safety was paramount, and bring it in line with current guidance and best practice, in particular in relation to safeguarding and equalities.

The meeting closed at 11.35 am.