



Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY, 8 FEBRUARY 2021**  
Time: **10.00 AM**  
Venue: **MICROSOFT TEAMS – REMOTE**  
**([CLICK HERE](#))**  
To: **Councillors R Sweeting (Chair), J Chilvers (Vice-Chair), I Chilvers, M Jordan, J Mackman, J Cattanach, P Welch, J Duggan, S Duckett, M McCartney and D Brook**

## Agenda

**1. Apologies for Absence**

**2. Minutes (Pages 1 - 4)**

To confirm as a correct record the minutes of the Licensing Committee held on 11 January 2021.

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

**5. Verbal Update on Covid-19**

To receive a verbal update from the Licensing Manager on Covid-19.

**6. Proposal to temporarily suspend Section 10.1 (Vehicle age limits) of the Taxi Licensing Policy ("the Policy") (Pages 5 - 10)**

To receive the report which asks the Committee to consider if, for a period of one year, an urgent temporary suspension of Section 10.1 of the Policy should be recommended to the Executive, to enable applicants to apply to licence a vehicle which is more than 5 years old but less than 12 years old.

*Janet Waggott*

**Janet Waggott, Chief Executive**

<p><b>Date of next meeting (10.00 am)</b> Monday, 8 March 2021</p>
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Enquiries relating to this agenda, please contact Dawn Drury on 01757 292065 [ddrury@selby.gov.uk](mailto:ddrury@selby.gov.uk).

**Live Stream**

This meeting will be streamed live online, to watch the meeting when it takes place, [click here](#).

**Recording at Council Meetings**

Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting by emailing [democraticservices@selby.gov.uk](mailto:democraticservices@selby.gov.uk).

## Minutes

### Licensing Committee

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Venue:	Microsoft Teams - Remote
Date:	Monday, 11 January 2021
Time:	10.00 am
Present remotely via Teams:	Councillors R Sweeting (Chair), J Chilvers (Vice-Chair), I Chilvers, J Mackman, J Cattnach, P Welch, J Duggan, S Duckett and M McCartney
Officers present remotely via Teams:	Jade Reynolds, Solicitor, Sharon Cousins, Licensing Manager; and Dawn Drury, Democratic Services Officer

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#### 16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brook and M Jordan

#### 17 MINUTES

The Committee considered the minutes of the meeting held on 7 December 2020.

#### RESOLVED:

**To approve the minutes of the Licensing Committee meeting held on 7 December 2020.**

#### 18 DISCLOSURES OF INTEREST

There were no disclosures of interest.

#### 19 PROCEDURE AND TAXI LICENSING POLICY

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

## **20 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

The Chair started his address by wishing all Members and officers a Happy New Year and welcomed them back to the first Licensing committee hearing of 2021.

Members noted that since the last licensing committee in December the district had moved into tier 3 on 31 December 2020, which meant that all licensed premises closed, this then escalated to a national lockdown expected to continue to at least mid-February 2021.

The Chair informed the Committee that prior to Christmas he had taken part in one of three multi-agency premises licence enforcement evenings across the district and stated how impressed he had been with all partners who had participated. Members heard that officers had worked with premise licence holders to give advice when possible or take any necessary enforcement when required, and that the Licensing Manager would provide an update on the enforcement evenings as part of the next item.

## **21 VERBAL UPDATE ON COVID-19**

The Licensing Manager informed Members that during December 2020 Selby District Council licensing, enforcement and community safety teams, in partnership with North Yorkshire Police licensing and neighbourhood patrol officers, had taken part in three nights of action held in support of the night-time economy across the district. In addition, support was put in place by the Council for additional “night marshal” officers to patrol Selby town across three whole weekends.

The Committee noted that the aim of the evenings was to visit licensed premises in the district to engage and encourage Covid compliance amongst businesses and members of the public and to offer advice, support, and guidance.

Members heard that of the 57 premises visited over the course of the three nights action, two fixed penalty notices had been issued to licensed premises in Selby, and five Council Improvement notices (CINs) had been issued in Selby and Tadcaster. It was confirmed that due to the current national lockdown, the CINs had been paused until the district was moved back into the tier process.

The Licensing Manager confirmed that work would be undertaken by Selby District Council enforcement and community safety teams over the next few weekends to ensure that licensed premises were closed and adhering to the current national restrictions.

In response to a query regarding if licensed premises in rural areas had been visited during the three nights, it was confirmed that the visits had been district wide.

The Chair thanked officers for their continued hard work.

**RESOLVED:**

**To note the update.**

**22 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.**

**23 APPLICATION FOR A SALOON TYPE VEHICLE TO BE LICENSED AS A HACKNEY CARRIAGE VEHICLE**

The Licensing Manager presented the report, which asked the Committee to consider an application for a Saloon type non-wheelchair accessible vehicle to be licensed as a Hackney Carriage vehicle. It was noted that the application had been brought before the Committee due to the application being contrary to Selby District Council's Taxi Licensing Policy 2020 which stated, where a new application was made for a Hackney Carriage vehicle, the licence would only be granted if the vehicle was wheelchair accessible and under five years old.

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

The applicant and the Licensing Manager left the meeting at this point and did not return.

The Committee noted that the applicant had been a licensed Selby District Council Hackney Carriage driver for a number of years and were of the view that this was a late renewal due to an oversight on the part of the applicant who had no previous history of transgressions. However, the Committee considered that it was the drivers' responsibility to check that any paperwork pertaining to his vehicle was correct and up to date, and that such an oversight should not happen again.

The Committee agreed that there were exceptional circumstances to depart from the Policy and grant the licence, but that a strongly worded written warning should be sent to the applicant to emphasise the concerns of the Committee. The Solicitor confirmed that the written warning would be kept on the applicant's file permanently.

**RESOLVED:**

- i. To grant the application for a saloon type non-wheelchair accessible vehicle to be licensed as a Hackney Carriage vehicle.**
- ii. That a strongly worded written warning be issued to the applicant to emphasise the concerns of the Committee.**

*Reason for decision:*

*The Committee granted the application as they felt that the late renewal of the licence had been oversight on the part of the applicant but wished to emphasise to the applicant the seriousness of the oversight in relation to the vehicle's paperwork.*

The meeting closed at 11.16 am.



**Report Reference Number: L/20/7**

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**To:** Licensing Committee  
**Date:** 8 February 2021  
**Status:** Non-Key Decision  
**Ward(s) Affected:** Whole District  
**Author:** Sharon Cousins, Licensing Manager  
**Lead Executive Member:** Councillor Pearson, Lead Member for Housing, Health and Culture  
**Lead Officer:** Alison Hartley, Solicitor to the Council

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**Title:** Proposal to temporarily suspend Section 10.1 (Vehicle age limits) of the Taxi Licensing Policy (“the Policy”)

**Summary:**

In January 2020, the Policy came into effect, following a public consultation. A maximum vehicle age limit of five years was introduced, for any vehicle being licensed by the Council for the first time. The reason for the age limit was to ensure that licensed vehicles meet emission standards and encouraging the use of low pollutant vehicles. Appendix A of this report shows a summary of the current vehicle age requirements of the Policy.

The Chairman of the Licensing Committee brought it to our attention that due to the financial consequences caused by the COVID-19 pandemic on the taxi trade, drivers may be struggling with the requirement of section 10.1 of the Policy, which states that a vehicle must be under the age of 5 years old when licensed for the first time.

Where a person applies to licence a vehicle that does not meet the requirements within the Policy, the application is currently referred to the Licensing Committee for consideration and determination. In this instance, the Licensing Committee will consider each case on its own merits and can decide to depart from the Policy where it considers it appropriate to do so. Alternatively, members may wish to consider temporarily suspending Section 10.1 of the Policy due to the exceptional circumstances resulting from COVID-19. This would allow officers to licence a vehicle without the need to bring each application to the Licensing Committee and would therefore speed up the process.

**Recommendations:**

1. The Committee to consider if, for a period of one year, an urgent temporary suspension of Section 10.1 of the Policy should be recommended to the

Executive, to enable applicants to apply to licence a vehicle which is more than 5 years old but less than 12 years old.

## 2. Reasons for the recommendation

That due to the financial pressures caused by the COVID-19 pandemic the age restriction contained in section 10.1 of the Policy is suspended to support the taxi trade.

## 3. The Report

### Introduction and background

**3.1** In January 2020 the Policy came into effect. As part of the Policy the Council introduced a maximum age that a vehicle could be licensed for the first time of 5 years.

**3.2** It is not unusual for Councils to introduce age limits, below is an example of age limits in other areas:

**Craven:** 7 years (1<sup>st</sup> time licensed) – 12 years (maximum age vehicle can be relicensed)

**Hambleton:** 5 years (1<sup>st</sup> time licensed) – 10 years (maximum age vehicle can be relicensed)

**Scarborough:** 4 years (1<sup>st</sup> time licensed) - 10 Years (maximum age vehicle can be relicensed)

**Harrogate:** 5 years (1<sup>st</sup> time licensed) - N/A

**Leeds:** 5 years (1<sup>st</sup> time licensed) executive vehicles 1 year (1<sup>st</sup> licensed)

**3.4** The reason age limits are introduced is to accelerate the introduction of low emission vehicles and to help clean up urban air, particularly, in congested high traffic areas. Section 10.14 of the Policy states that on the 29 February 2016, the Council declared the first Air Quality Management Area (AQMA) in the district, following elevated levels of pollutants measures within Selby Town centre and that vehicles including taxis being a contributor to the poor air quality within the town centre.

**3.5** As well as improving air quality, younger vehicles on the fleet improve the look and safety of the licensed vehicle. Licensed vehicles generally cover far more milage than a privately owned vehicle, which is why the Council also requires additional testing of vehicles.

**3.6** Officers have found no evidence that other authorities have temporarily suspended the vehicle age limits in their taxi licensing policy during the



current pandemic. So far during the pandemic the Council has received one application contrary to the Policy.

- 3.7 During the last Policy Review meeting, a Councillor, who also sits on the low carbon working group, raised their concerns over any departure from the Policy, in particular, shared their concerns over the age of the vehicles when the Policy was brought in to reduce vehicle emissions.

#### 4 Legal

- 4.1 There is no statutory requirement to have a taxi licensing policy, however, it is good practice to do so and it provides consistent decision making. The Policy sets out the standard that the Council will use to inform its decisions on application for licences, their renewal and consideration for their continuance.
- 4.2 Suspending a section of the Policy is permitted in exceptional circumstances and full reasons for the decision should be provided.

#### 5. Financial Implications

The Application has no significant financial implications.

#### 6. Policy and Risk Implications

Selby's Taxi Licensing Policy states:

##### *'2. Vehicle Proprietors*

*'A vehicle cannot be licensed for the first time when it reaches 5 years old'.*

##### 5.1 Vehicle proprietor

*In relation to both hackney carriage and private hire vehicles, the Council has an absolute discretion over granting the licence and will therefore ensure that both its enquiries and considerations are thorough and robust. Much more is involved than simply looking at the vehicle itself and all considerations are equally applicable on applications to transfer a vehicle as on grant applications.*

##### 7.4 Applying for a Vehicle Proprietor Licence

##### *Additional application requirements for HCV's*

*V5 confirms that the vehicle is adapted to EC Whole type approval (ECWVTA) or confirmation of compliance certificate. (Adapted to a wheelchair accessible vehicle (WAV)).*

##### 10.1 Vehicle age limits

*The Council will only accept applications to licence vehicles for the first time for*

*vehicles under 5 years old. Existing licensed vehicles will not be licensed after the age of 12 years. (The age of the vehicle will be taken from the V5 registration document for the vehicle). Existing vehicle proprietors will have 5 years from the date this policy comes into effect to change their vehicles'*

#### *10.14 Environmental Considerations*

*On 29th February 2016 the Council declared the first Air Quality Management Area (AQMA) in the district, following elevated levels of pollutants measured within Selby Town Centre. Vehicles including Taxis are identified as a contributor to the poor air quality within the town centre, but the Council also recognises the importance of their availability to provide transport for Selby's residents.*

*Emission standards for Taxis will be subject to review, taking into consideration up-to-date emission monitoring results. To determine whether sufficient progress is being made towards achieving the health-based air quality objectives and improving Health and wellbeing of local residents.*

*Frequent maintenance of vehicles is also recommended, and emissions may also be further reduced by switching off engines whilst stationary or idling, particularly at ranks and stood in traffic.*

*The AQMA area is along a short stretch of New Street, near Selby Abbey and The Crescent which frequently is subject to high traffic volumes and frequent idling. This area should also be avoided to aid improvement of air quality along the AQMA and alternative routes considered'.*

## **7. Conclusion**

- 7.1** That due to the financial pressures caused by the COVID-19 pandemic the age restriction contained in section 10.1 of the Policy is suspended to support the taxi trade.

## **8. Appendices**

- A. Summary of current vehicle age requirements.

**Contact Officer:**

Sharon Cousins  
Licensing Manager  
01757 292033

**Summary of the current vehicle age requirements of Selby's taxi licensing policy.**

- A vehicle cannot be licensed for the first time when it reaches 5 years old
- Once a vehicle reaches 12 years old it can no longer be renewed as a licensed vehicle
- Proprietors of existing licensed vehicles that are beyond the maximum age set out in this policy at the date it comes into force will have a maximum period of 5 years to change the vehicles (making the vehicle 17 years before a licence can no longer be renewed).

**Additional testing requirements of vehicles:**

<b>Vehicle Age</b>	<b>Frequency of vehicle inspections</b>
0 – 1 years	1 check per year
1 – 5 years	2 checks per year
5 – 12 years	3 checks per year

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