

## Minutes

### Licensing Committee

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Venue:	Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 6 August 2018
Time:	10.00 am
Present:	Councillors K Ellis (Chair), R Sweeting (Vice-Chair), D Buckle, J Chilvers, S Duckett, B Marshall, J Thurlow, D White and D Peart
Officers present:	Sharon Cousins (Licensing Manager), Jade Reynolds (Legal Officer), Alison Beaumont (Senior Enforcement Officer) (for items 17 and 22), Dave Herbert (Enforcement Officer) (for items 17 and 22), Palbinder Mann (Democratic Services Manager) and Dawn Drury (Democratic Services Officer).
Public:	0
Press:	0

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#### **11 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Hobson.

#### **12 MINUTES**

The Committee considered the minutes of the meeting held on 2<sup>nd</sup> July 2018.

#### **RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 2 July 2018.**

### **13 DISCLOSURES OF INTEREST**

Councillor Sweeting declared a personal interest in agenda item 7 “Private Hire Operator and Driver” as he knew the driver concerned and therefore stated that he would leave the meeting during the consideration of this item.

### **14 PROCEDURE AND TAXI LICENSING POLICY**

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

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

The Chair informed the Committee that the Gambling policy refresh was now out for consultation until 13 August 2018 and that any comments received would be reported back to the Committee.

The Chair explained to the Committee that the Mint Festival was planned to take place at Leeds East Airport in Church Fenton on 22 September 2018. The Committee was informed that permissions for licensable activity were already in place via a premise licence for the site. It was noted that there was a condition on the licence that allowed the licensing authority to sign off any event management plan and that the event organisers were working with the Safety Advisory Group on safety aspects for the event.

The Chair informed the Committee that there had been no verbal warnings given to taxi drivers this month.

### **16 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 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.**

### **17 PRIVATE HIRE DRIVER'S LICENCE**

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

The Licensing Manager presented the report, which asked the Committee to consider whether a licenced Private Hire Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Taxi Licensing Policy. The driver concerned was present.

The Committee were informed that following a complaint received regarding the licence holder's DVLA registration plate and Selby District Council Private Hire plate not corresponding, the Enforcement Team had looked into the issue raised. The Licensing Manager explained that when questioned, the driver had confirmed that he had changed the car registration via the DVLA but had failed to inform Selby District Council of the change of registration number and had not purchased an amended private hire plate. Upon further discussions with the driver, it was confirmed that the correct registration plates were now displayed on the vehicle. The Committee asked questions of the driver in relation to the offences.

The driver and Licensing Manager left the room while the Committee considered whether the individual remained a 'fit and proper person' to hold a licence.

The Committee considered that the evidence presented demonstrated that the driver was a 'fit and proper person' to be a licensed Private Hire driver, but noted that failure to display the correct private hire vehicle plate constituted non-compliance with the Council's Licensing Policy and therefore agreed to issue the driver with a 12-month written warning.

**RESOLVED:**

**To issue a 12-month written warning to the driver.**

*Reason for decision:*

*The Committee noted that no prior concerns had been raised with the Council regarding the driver prior to this, and were satisfied that the individual was a 'fit and proper person' in accordance with the Council's Licensing Policy, but that a 12 month written warning should be issued to demonstrate that the Council takes failing to display the correct private hire vehicle plate seriously.*

**18 PRIVATE HIRE DRIVER'S LICENCE**

*Councillor Sweeting returned to the meeting.*

It was noted that the driver concerned was not present for the meeting. Following discussions with the Licensing Manager, the Committee were in agreement that the driver had been given sufficient notice of the meeting, and that having received no correspondence from him it would not be unreasonable to determine the case in his absence. It was proposed, and seconded, that the case be determined in the absence of the driver.

**RESOLVED:**

**To consider the case in the absence of the driver.**

*Reason for decision:*

*The Committee felt the driver had shown a complete disregard for the Committee as there had been no apologies, correspondence or communication received from the applicant.*

The Licensing Manager presented the report, which asked the Committee to consider whether the licensed Private Hire Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Licensing Policy.

It was confirmed that the driver's licence was currently suspended for not providing a DVLA access code to carry out the yearly DVLA check; and that the driver had not responded to confirm that he had read and understood Selby's Taxi Licensing Policy. The Licensing Manager confirmed that the numerous attempts by officers to contact him had been unsuccessful however, when visited he had accepted the hand delivered correspondence and confirmed that he was no longer working as a taxi driver.

The Committee considered the report, and the information from the Licensing Officer. It was noted that failure to provide the DVLA access code constituted non-compliance with the Council's Licensing Policy. It was proposed, and seconded, to revoke the licence with immediate effect.

**RESOLVED:**

**To REVOKE the Private Hire licence with immediate effect.**

*Reason for decision:*

*The committee was not satisfied that the driver was a 'fit and proper person'; due to not providing the DVLA access code required and his non-attendance at the meeting.*

**19 HACKNEY CARRIAGE DRIVER'S LICENCE**

The Licensing Manager presented the report, which asked the Committee to consider whether a licenced Hackney Carriage Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Taxi Licensing Policy. The driver concerned was present.

The Committee were informed that the report had been brought before them as the driver had failed to respond to the Licensing Officer to

confirm that he had read and understood Selby's Taxi Licensing Policy and the conditions of his licence. The Licensing Manager confirmed that concerns had been raised when numerous attempts by officers to contact him had been unsuccessful. The Committee asked questions of the driver in relation to the report, the driver confirmed that he had read and understood Selby's Taxi Policy and that he had nothing to declare.

The driver and Licensing Manager left the room while the Committee considered whether the individual remained a 'fit and proper person' to hold a licence.

The Committee considered that the evidence presented demonstrated that the driver was a 'fit and proper person' to be a licensed Hackney Carriage driver, but noted that failure to respond to the Committee's request constituted non-compliance with the Council's Licensing Policy.

It was agreed that if the driver signed the declaration in front of the Committee today he would be issued with a 12 month written warning. Should the driver refuse the request then his licence would be revoked with immediate effect.

The driver and Licensing Manager returned to the meeting, the Legal Officer advised the driver of the Committee's agreed course of action to which he confirmed that he was prepared to sign the declaration.

**RESOLVED:**

**To issue a 12 month written warning to the driver.**

*Reason for decision:*

*The committee was satisfied that the driver was a 'fit and proper person' however, in view of his failure to response to the Council's request, this constituted non-compliance with the Council's Licensing Policy and that he should be issued with a 12 month written warning.*

**20 PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Manager presented the report, which asked the Committee to determine an application for a Private Hire Driver's Licence. The application had been brought before the Committee due to a Disclosure and Barring Service (DBS) check highlighted a previous conviction during the application process.

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

The applicant and Licensing Manager left the room while the Committee considered the application.

The Committee considered that the conviction was of concern but that the

applicant had been free from conviction for eight years. The Committee considered that the evidence presented demonstrated that the applicant was a 'fit and proper person' to be a licensed Private Hire driver.

**RESOLVED:**

**To grant the application for a Private Hire Driver's Licence.**

*Reason for decision:*

*The Committee was satisfied that the applicant was a 'fit and proper person' in accordance with the Council's Licensing Policy.*

**21 HACKNEY CARRIAGE DRIVER'S LICENCE**

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

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

The applicant and Licensing Manager left the room while the Committee considered the application.

The Committee considered that the convictions were of concern but that the applicant had been free from conviction for eight years. The Committee considered that the evidence presented demonstrated that the applicant was a 'fit and proper person' to be a licensed Hackney Carriage driver and agreed to grant the licence for a period of 12 months. It was further agreed that the licence could be renewed after 12 months, provided the applicant did not give the Committee any cause for concern during that period.

**RESOLVED:**

**To grant the application for a Hackney Carriage Driver's Licence for a period of 12 months.**

*Reason for decision:*

*The Committee was satisfied that the applicant was a 'fit and proper person' in accordance with the Council's Licensing Policy.*

**22 HACKNEY CARRIAGE DRIVER'S LICENCE**

The Licensing Manager presented the report, which asked the Committee to consider whether a licenced Hackney Carriage Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Taxi Licensing Policy. The driver concerned was present.

The Committee were informed that following several complaints and concerns received regarding the drivers ability, the Enforcement Team had commenced an investigation. The Licensing Manager explained that concerns had been raised about the driving ability of the driver through witness statements which were appended to the report.

The Committee asked questions of the driver in relation to the concerns raised. At this point the driver denied the allegations and circulated a letter of recommendation she had recently received to the Committee.

The driver and Licensing Manager left the room while the Committee considered whether the individual remained a 'fit and proper person' to hold a licence.

The Committee considered that the evidence presented demonstrated that the driver was a 'fit and proper person' to be a licensed Hackney Carriage driver, but requested that the driver re-sit the advanced driving test to prove competency, should the applicant not re-sit the driving test within a three month period then the Hackney Carriage licence would be suspended.

**RESOLVED:**

**To request the driver re-sit the advanced driving test within a three month period, if the driver failed to re-take and pass the test within a three month period, the Hackney Carriage drivers licence will be suspended.**

*Reason for decision:*

*The Committee was satisfied that the driver was a 'fit and proper person' in accordance with the Council's Licensing Policy, however agreed that the driver re-sit the advanced driving test within a three month period to prove that they are fit and competent to do so.*

**23 PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Manager presented the report, which asked the Committee to consider whether a licenced Private Hire Driver remained a 'fit and proper person' to hold a licence in accordance with the Council's Taxi Licencing Policy. The driver concerned was present.

The report was brought before the Committee as the driver had contacted the Licensing Team to confirm that he had read and understood Selby's taxi licensing policy and licence conditions; at that time he also brought to their attention that he had received six penalty points on his DVLA licence prior to being granted a licence from the Council which he had failed to declare.

The Committee was informed that the driver had provided an access

code to the Council and that a DVLA check confirmed that the driver had received six penalty points on their driver's licence as a result of one speeding offence. The Committee asked questions of the driver in relation to the offences.

The driver and Licensing Manager left the room while the Committee considered whether the individual remained a 'fit and proper person' to hold a licence.

The Committee noted that failure to declare the penalty points constituted non-compliance with the Council's Licensing Policy. The Committee therefore agreed to issue the driver with a 12 month written warning.

**RESOLVED:**

**To issue a 12 month written warning to the driver.**

*Reason for decision:*

*The Committee noted that failure to declare penalty points constituted non-compliance with the Council's Licensing Policy.*

The meeting closed at 12.23 pm.