

Minutes

Licensing Committee

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| Venue: | Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT |
| Date: | Monday, 19 November 2018 |
| Time: | 10.00 am |
| Present: | Councillors K Ellis (Chair), R Sweeting (Vice-Chair), D Buckle, J Chilvers, M Hobson, B Marshall, D Peart, D White and P Welch |
| Officers present: | Jade Reynolds (Solicitor), Sharon Cousins (Licensing Manager), Alison Beaumont (Senior Enforcement Officer); and Dawn Drury (Democratic Services Officer) |
| Public: | 0 |
| Press: | 0 |

42 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Thurlow and Councillor Duckett. Councillor Welch attended as Councillor Duckett's substitute.

43 MINUTES

The Committee considered the minutes of the meeting held on 8 October 2018.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 8 October 2018.

44 DISCLOSURES OF INTEREST

There were no disclosures of interest.

45 PROCEDURE AND TAXI LICENSING POLICY

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

46 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair reported to the Committee that the Licensing Manager had given one verbal warning to a taxi driver this month, for not declaring DVLA points within the specified time.

The Chair informed the Committee that a joint operation between Licensing, Enforcement, Trading Standard Officers, and the Police had taken place on Saturday 10 November 2018. The operation had focused on checking licensed premises and taxi's on the rank; with feedback from the night being positive.

The Chair invited members of the Committee to a Taxi Licensing Forum taking place on Wednesday 5th December 2018, here at the Civic Centre at 6.00 pm. It was noted that the purpose of the meeting would be to discuss the proposed taxi licensing policy and that other departments involved with Licensing would be in attendance to give a short presentation about their work.

47 PROPOSED TAXI LICENSING POLICY 2019

The Licensing Manager presented the report, which informed the Committee that following the consultation to determine the definition of a wheelchair accessible vehicle and procedures / conditions for discreet plate licensing, the results confirmed that the majority of responses were in agreement with the Council's recommendations.

It was explained that officers had updated Selby's current Taxi Licensing Policy to include the findings outlined above.

The Licensing Committee was notified that approval had been given by the Lead Executive Member to consult with the trade on the proposed Taxi Licensing Policy, with the consultation to commence on 1 December 2018 and run to 12 January 2019.

The Licensing Manager asked the Committee to note the proposed amendments to the policy and confirmed that officers would report back to the Licensing Committee in February with the outcome of the consultation results.

RESOLVED:

To note the report.

48 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.

49 APPLICATION FOR DISCREET PLATE LICENCE

The Licensing Manager presented the report, which asked the Committee to consider an application for a discreet plate Private Hire Vehicle Licence.

The Committee was informed that the applicant had established a private hire business which specialised in providing executive transport for businesses for their visitors, senior staff members and to business meetings. The application was supported by letters from four customers. The applicant was present at the meeting and the Committee asked questions of the driver in relation to the application.

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

The Committee were satisfied with the application and noted that the applicant already had three vehicles and would be increasing and enhancing his business with the new vehicle.

RESOLVED:

To grant the application for a discreet plate Private Hire Vehicle Licence.

Reason for decision:

The Committee were satisfied to grant the application for a discreet licence as they felt the applicant was progressing and enhancing his business.

50 PRIVATE HIRE OPERATOR'S LICENCE

The Licensing Manager informed the Committee that the driver concerned had confirmed by telephone that he would not be attending the meeting. Following discussions the Committee were in agreement that the driver had been given sufficient notice of the meeting; and that due to the seriousness of the offence and in view of public safety 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 that due to the seriousness of the offence and concerns over public safety that the matter must be dealt with immediately.

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

It was explained that the report was brought before the Committee following information passed on by a member of the Licensing Team regarding the Private Hire Operator undertaking a taxi journey, however not holding a valid Private Hire Drivers licence. The Committee were informed that the Private Hire Operator had not held a Private Hire Drivers licence since September 2015 when his licence had expired, and was not renewed due to him being declared unfit to drive on medical grounds. The Licensing Manager explained that an investigation by the Enforcement Team had commenced following the reporting of the incident and it had been confirmed that the Private Hire Operator had been driving without the required licence for both himself and another Operator.

The Committee considered the report, and the information presented. It was noted that failure to hold a current licence while operating any vehicle as a private hire vehicle was an offence under the Local Government (Miscellaneous Provisions) Act 1976 (LG (MP) Act 1976). It was proposed, and seconded, to revoke the licence.

Due to the severity of the offence, the Committee requested that the Solicitor commence legal proceedings against the Private Hire Operator.

RESOLVED:

- i) To revoke the Private Hire Operator’s Licence.**
- ii) To ask the Solicitor to the Council to commence legal proceedings against the Private Hire Operator.**

Reason for decision:

The Committee was not satisfied that the Private Hire Operator was a ‘fit and proper person’ to hold a Private Hire Operator Licence and considered that it was appropriate to revoke the licence under section

62 (b) and/or section 62 (e) of the Local Government (Miscellaneous Provisions) Act 1976 ; due to driving a private hire vehicle without a private hire driver's licence, and failure to fulfil his duty to ensure safety of the public.

51 PRIVATE HIRE OPERATOR AND DRIVER'S LICENCE

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 that as there had been no apologies or communication received from the driver, and due to the serious nature of the offence the matter should be dealt with immediately.

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

It was explained that the report was brought before the Committee following an investigation by the Enforcement Team after information had been received regarding the excessive mileage accrued on a vehicle between the dates which it had failed its vehicle test to the vehicle being retested seven days later.

The Committee considered the report, and the information presented. It was noted that failure to maintain the licensed vehicle in good condition, failure to make sure it was roadworthy and carrying passengers without the vehicle being retested and passing the vehicle test constituted non-compliance with the Council's Taxi Licensing Policy. It was proposed, and seconded, to revoke the Private Hire Driver's Licence with immediate effect and additionally it was proposed, and seconded, to revoke the Private Hire Operator Licence.

RESOLVED:

- i) To revoke the Private Hire Driver's Licence under section 61 (1) (b) of the Local**

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Government (Miscellaneous Provisions) Act 1976 and for revocation to be taken with immediate effect under section 61 2B of the Act.

- ii) **To revoke the Private Hire Operator's Licence under the grounds set out in section 62 (b) and/or section 62 (e) of the Act.**

Reason for decision:

The Committee was not satisfied that the driver was a 'fit and proper person' to hold a Private Hire Drivers Licence and a Private Hire Operator's Licence; due to the following reasons:-

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

The driver continued to drive a private hire vehicle which had not passed its vehicle test.

The driver failed to fulfil his duty to ensure safety of the public.

The meeting was adjourned at 10.56 am for a short break and the meeting resumed at 11.02 am.

52 APPLICATION FOR 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. It was noted that 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 meeting whilst the Committee considered the application.

The Committee considered that the conviction was of concern however acknowledged that applicant had completed the required course and had been free from conviction for five 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.

RESOLVED:

To grant the application for a Hackney Carriage Driver's

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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.

The meeting closed at 11.20 am.