

Minutes

Licensing Committee

Venue:	Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 9 April 2018
Time:	10.00 am
Present:	Councillor K Ellis (Chair), Councillor D Buckle, Councillor I Chilvers (substitute for R Sweeting), Councillor J Chilvers, Councillor M Hobson, Councillor B Marshall, Councillor C Pearson, Councillor J Thurlow, Councillor P Welch (substitute for S Duckett) and Councillor D White
Officers present:	Jade Reynolds (Solicitor), Sharon Cousins (Licensing Manager), Alison Beaumont (Senior Enforcement Officer) (from minute 90), David Herbert (Enforcement Officer) (from minute 90) and Alice Courtney (Democratic Services Officer)
Public:	0
Press:	0

79 APOLOGIES FOR ABSENCE

The Democratic Services Officer informed the Committee that apologies had been received from Councillors S Duckett and R Sweeting, and that Councillors P Welch and I Chilvers, respectively, would be acting as their substitutes.

80 MINUTES

The Committee considered the minutes of the meeting held on 5 March 2018.

Councillor Thurlow requested that paragraph 4 of minute 78 be amended, as he stated that it was unclear. The Committee agreed that it should be amended after the words 'alleged offence' to read: '...and the Licensing Manager summarised the contents of the report'.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 5 March 2018, subject to the amendment above.

81 DISCLOSURES OF INTEREST

Councillor Hobson asked for advice in relation to agenda item 9, as he had used the Private Hire Driver's service. The Solicitor informed him that this did not constitute a disclosable pecuniary interest, and he could therefore remain in the room and participate in the discussion and vote on the item.

There were no disclosures of interest.

82 PROCEDURE AND TAXI LICENSING POLICY

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

83 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

Councillor Ellis informed the Committee that he had been appointed as Chair of the Licensing Committee for the remainder of the 2017/18 municipal year.

84 UPDATE FROM THE LICENSING MANAGER

The Licensing Manager informed the Committee that a review of the Council's Gambling Statement of Policy was due to be completed by the end of January 2019, and that the review process was due to begin in the next few weeks. It was explained that the Gambling Statement of Policy was last approved by the Executive in April 2017, therefore only a minor update to the Policy was anticipated.

The Committee was also informed that a review of the Council's Taxi Licensing Policy was due to commence soon, which would include a review of the Council's policy in relation to Wheelchair Accessible Vehicles and Executive Hire Vehicles.

The Licensing Manager highlighted concerns related to licensees not reading the Council's Taxi Licensing Policy or their licence conditions. This had resulted in a relatively large number of licensees appearing before the Committee for failure to notify the Council of traffic offences, as outlined in the Council's Taxi Licensing Policy.

It was explained that a letter would be delivered to all licence holders in the District to remind them to read the Council's Taxi Licensing Policy; it was highlighted that the letter would be accompanied by a declaration, which licence holders were required to sign and return to the Council to confirm that they had read the Policy and were aware of their obligations.

The Licensing Manager stated that this would help to reduce the number of individuals appearing before the Committee for failure to declare traffic offences.

85 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.

86 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE (L/17/26)

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 after a Driver and Vehicle Licensing Agency (DVLA) check revealed that the applicant had nine penalty points on their driver's licence as a result of speeding offences.

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

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

The Committee considered the information contained in the report and agreed to grant the licence for a period of 12 months. It was 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 APPROVE the application for a Private Hire 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, however agreed to grant the licence for an initial 12 months due to the accumulation of nine penalty points for speeding on the driver's licence.

87 PRIVATE HIRE DRIVER'S LICENCE (L/17/27)

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 Licensing Policy. The driver concerned was present and able to respond to questions asked by the Committee.

The report was brought before the Committee as a DVLA check revealed that the driver had received three penalty points on his driver's licence as a result of a speeding offence, and had failed to declare this to the Council.

The driver apologised for his failure to declare the offence, and highlighted that he was not aware of his legal obligation to declare penalty points. The driver stated that he had since read the Council's Licensing Policy and was now fully aware of his obligations.

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, and agreed to issue the driver with a verbal warning. The Committee reminded the driver of his obligations in relation to the Council's Licensing Policy, and advised him to read it thoroughly.

RESOLVED:

To issue a verbal 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.

88 PRIVATE HIRE DRIVER'S LICENCE (L/17/28)

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 Licensing Policy. The driver concerned was present and able to respond to questions asked by the Committee.

The report was brought before the Committee as a DVLA check revealed that the driver had received three penalty points on his driver's licence as a result of a speeding offence, and had failed to declare this to the Council.

The driver stated that he was unaware of his obligation to declare penalty points, and highlighted that he had never received a copy of the Council's

Licensing Policy.

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, and agreed to issue the driver with a verbal warning. The Committee reminded the driver of his obligations in relation to the Council's Licensing Policy, and advised him to read it thoroughly.

RESOLVED:

To issue a verbal 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.

89 HACKNEY CARRIAGE DRIVER'S LICENCE (L/17/29)

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 and able to respond to questions asked by the Committee.

The report was brought before the Committee as a DVLA check revealed that the driver had received three penalty points on his driver's licence as a result of a speeding offence, and had failed to declare this to the Council.

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 agreed that this speeding offence was more serious than the previous two that had been heard at the meeting, as the driver was travelling at a speed which was significantly above the speed limit.

The Committee agreed that the driver's failure to notify the Council of the penalty points constituted non-compliance with the Council's Licensing Policy, and the significant speed at which the vehicle was travelling constituted a serious offence. The Committee therefore agreed to issue the driver with a 12-month written warning.

The Committee reminded the driver of his obligations in relation to the Council's Licensing Policy, and advised him to read it thoroughly.

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, and the speed at which the driver was travelling was significantly over the speed limit, which constituted a serious speeding offence.

90 HACKNEY CARRIAGE DRIVER'S LICENCE (L/17/30)

At this point in the meeting, the Senior Enforcement Officer and the Enforcement Officer entered the room.

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 and able to respond to questions asked by the Committee.

The report was brought before the Committee as the driver had notified the Senior Enforcement Officer that she had been involved in a road traffic collision, but had not reported it at the time that it happened. The driver stated that she was unaware of her obligation to declare involvement in road traffic collisions to the Council.

It was explained that the driver had attended a hearing at Northallerton Magistrates Court where she was charged with driving without due care and attention and awarded four penalty points on her driver's licence.

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 the contents of the report and agreed to issue the driver with a 12-month written warning due to the severity of the incident and the driver's failure to notify the Council of the collision.

Councillor Buckle abstained from the vote and requested that this be recorded in the minutes.

RESOLVED:

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

Reason for decision:

The Committee noted the severity of the incident, and that failure to declare a road traffic collision constituted non-compliance with the Council's Licensing Policy.

91 PUBLIC SESSION

RESOLVED:

To move back into public session.

92 ANY OTHER BUSINESS

The Chair confirmed that the Licensing Manager would send a letter to all licence holders in the District to remind them of their obligation to declare traffic offences to the Council and to remind them of their responsibility to read the Council's Licensing Policy. It was confirmed that licence holders would have to sign and return a declaration to state that they had read the Policy, and that those drivers who failed to do so would appear before the Committee.

The Committee confirmed that this would decrease the number of drivers attending a Committee meeting for their failure to declare traffic offences.

The Committee agreed to give delegated authority to the Licensing Manager to deal with minor traffic offences such as speeding, where the speed at which the vehicle was travelling equated to no more than 10% plus 2mph over the specified speed limit.

The Committee requested that it be informed of all incidences where the Licensing Manager exercised the above delegated authority.

The excellent work of officers was noted in identifying cases where licence holders had failed to notify the Council of traffic offences.

The Committee also requested that all licence holders be provided with a copy of the Council's Licensing Policy.

The Licensing Manager assured the Committee that all new drivers were given a copy of the Council's Licensing Policy, and that they had to take a test which they could not pass without reading the document.

RESOLVED:

- i. To ask the Licensing Manager to send a letter to all licence holders in the District to remind them of their legal obligation to declare traffic offences to the Council, as set out above.**
- ii. To note the excellent work of officers in identifying incidences where licensees failed to notify the Council of traffic offences.**
- iii. To request that all licence holders in the District be provided with a copy of the Council's Taxi Licensing Policy.**
- iv. To give delegated authority to the Licensing**

Manager to deal with minor traffic offences as set out above, and to request that the Licensing Committee be kept informed of any actions taken in relation to those minor offences.

The meeting closed at 11.51 am.