

## Minutes

### Licensing Committee

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Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 15 November 2021
Time:	10.00 am
Present:	Councillors R Sweeting (Chair), J Chilvers (Vice-Chair), I Chilvers, C Pearson, J Mackman, J Duggan, S Duckett and M Crane (up to agenda item 9)
Officers present:	Tamsin Eddison, Solicitor, Sharon Cousins, Licensing Manager and Dawn Drury, Democratic Services Officer

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

Apologies for absence had been received from Councillors M McCartney, D Brook, P Welch and J Cattanach. Councillor M Crane was in attendance as a substitute for Councillor Cattanach.

#### **12 DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **13 PROCEDURE AND TAXI LICENSING POLICY**

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

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

The Chair reminded Members that there would be an online licensing training course taking place on the 24 November 2021, the training was being facilitated by the Institute of Licensing, and for those who attended it included one year's membership to the Institute of Licensing.

Members were referred to an email that had been circulated by the Licensing Manager regarding the Licensing Security and Vulnerability Initiative (SAVI) pilot scheme for licensed premises. Members acknowledged that this was a positive scheme for licence holders to be

involved with as it promoted the licensing objectives and encouraged safer and more secure venues; with premises able to apply for accreditation.

## **15 REVIEW OF THE TEMPORARY DEPARTURE FROM SELBY'S TAXI LICENSING POLICY FOR DRIVER MEDICALS**

The Licensing Manager presented the report, which asked the Committee to consider the continuation of the temporary measure of departing from Selby's taxi licensing policy for driver group 2 medicals, which Members had agreed to in December 2020, in view of the continued reduced services offered by some General Practitioner's (GP's) due to the pandemic.

Members heard that this measure would continue to allow drivers to find an alternative GP to carry out the requirement to have a group 2 medical, if their own practice was not offering this service. It was noted that to do this the driver would be expected to share their medical history with the temporary GP.

The Committee were informed that in terms of holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder was able to produce proof of current medical examination less than 3 months old, drivers should not be required to undergo a medical examination on first application or when their medical was due.

Members acknowledged that a continuation of the temporary measure regarding group 2 medicals was required to ensure protection of the public and agreed that the temporary measure should be reviewed annually, or until such a time as GP practices resumed a normal service of undertaking group 2 medicals.

In response to a Member query regarding the possibility of the Council producing a list of GP's who were still conducting driver medicals, to be shared with drivers, if requested, the Licensing Manager confirmed that it was mainly private GP practices who were offering the facility.

### **RESOLVED:**

- i. To continue the temporarily departure from Selby's taxi licensing policy, to allow drivers to find an alternative General Practitioner (GP) to carry out the requirement to have a group 2 medical, if their own practice was not offering the service.**
- ii. Holders of Public Service Vehicle (PSV) and/or Large Goods Vehicle (LGV) licences, where the holder was able to produce proof of current medical examination less than 3 months old, should not be required to undergo a medical examination on first application or when their**

**medical was due; and**

- iii. **To review the temporarily departure from Selby's taxi licensing policy annually, or until such a time as GP practices resumed a normal service of undertaking group 2 medicals.**

*Reason for decision:*

*Drivers are required to be in a good condition of health to ensure the safety of their passengers, themselves, and other road users. This would allow drivers to temporarily source alternative GP practices to undertake their driver medicals, to ensure they are medically fit thereby offering protection for the public.*

## **16 GAMBLING POLICY REVIEW**

The Licensing Manager presented the report, which asked the Committee to note the draft Gambling Policy and provide any comments prior to the proposed policy being presented to the Executive to seek their permission to consult with the public.

The Committee was informed that the Council was required to review its Gambling Policy every three years, and that the next review was due by January 2022. It was highlighted that the current Policy had been reviewed, and it was proposed that no major changes were required.

The Licensing Manager confirmed that the consultation on the revised Gambling Policy would take place between 10 January 2022 and 21 February 2022, and that the dates shown in the summary of the report were incorrect and should read between 10 January 2022 and 21 February 2022, not 22 June and 14 September 2018.

The Committee's attention was drawn to page 56 of the report which highlighted four updates to the proposed policy related to the population size of the district and the removal of section 7.7 as the Enforcement policy was currently under review. At Appendix A to the report Merkur Slots had been added under the list of consultees; and finally, there had been a name change for the Police Licensing Officer.

The Committee confirmed that it was satisfied with the contents of the report.

### **RESOLVED:**

**To note the draft Gambling Policy.**

*Reason for decision:*

*The review of the Gambling Policy is a legislative requirement, failure to review the policy and follow the correct guidelines would leave decisions on gambling licensing open to legal challenge.*

## **17 TAXI LICENSING POLICY REVIEW FOLLOWING THE DEPARTMENT**

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## **OF TRANSPORTS STATUTORY STANDARDS**

The Licensing Manager presented the report, which asked the Committee to note the consultation responses received, the officer recommendations, and the proposed changes to Selby's Taxi Licensing Policy following the issue in 2020 of new Statutory Taxi and Private Hire Vehicle Standards by the Department of Transport (DFT).

Members heard that this was the first time that a taxi licencing statutory guidance document had been issued, with the standards setting out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those considered to be most vulnerable.

It was explained that following a review of Selby's current taxi licensing policy, officers found several proposals in the DFT's Statutory Standards which were not already implemented in the current taxi licensing policy. A consultation document surrounding these outstanding proposals was created, and approval to consult on the consultation document was given by the Executive on the 8 July 2021.

The Committee was informed that the public consultation had been held between the 12 July and 6 September 2021, following which officers had reviewed the consultation responses received and updated the proposed policy accordingly. Members noted that the relevant changes to the policy were shown at Appendix C as either tracked changes or highlighted in yellow.

In response to a query regarding the consultation response as to whether CCTV should be made mandatory in all licensed vehicles, the Licensing Officer stated that CCTV had remained as an option for the proprietor due to issues surrounding the Council becoming the Data Controller of the footage if this was to be mandated. Additionally, based on the low level of incidents within licensed vehicles, officers did not feel that the mandatory installation of CCTV in vehicles to be proportionate currently. Factors such as cost, data responsibilities and privacy had also been considered when forming this view.

Members queried if the Licensing team had received positive feedback to the consultation proposals, it was confirmed that, overall, the responses received during the consultation were in favour of all the proposals. It was further confirmed that due to this all outstanding proposals in the Statutory Standards had been incorporated into the proposed Selby Taxi Licensing Policy 2022.

### **RESOLVED:**

**To note the consultation responses received, the officer recommendations and the proposals on changes to Selby's Taxi Licensing Policy following the new Statutory Standards issued by the Department of Transport.**

*Reason for decision:*

*Adoption of the revised policy and the measures within will support the statutory position, help to safeguard children and vulnerable adults; and protect public safety.*

## **18 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.**

## **19 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.

The applicant was present 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 agreed unanimously that there were no exceptional circumstances to warrant a departure from the Policy and refused to grant the licence.

### **RESOLVED:**

**To refuse to grant the application for a saloon type non-wheelchair accessible vehicle to be licensed as a Hackney Carriage vehicle.**

*Reason for decision:*

*The Committee refused to grant the application as they did not feel that there were exceptional circumstances in this case.*

The meeting closed at 11.00 am.

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