

# Minutes

## Licensing Committee

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Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 16 August 2021
Time:	10.00 am
Present:	Councillors R Sweeting (Chair), J Chilvers (Vice-Chair), I Chilvers, C Pearson, J Mackman, J Cattanach and S Duckett and K Franks
Officers present:	Jade Reynolds, Solicitor, Sharon Cousins, Licensing Manager, Alison Beaumont, Senior Enforcement Officer (for agenda item 10), David Herbert, Enforcement Officer (for agenda item 10); and Dawn Drury, Democratic Services Officer

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### 1 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors M McCartney, P Welch and J Duggan. Councillor K Franks was in attendance as a substitute for Councillor Duggan.

### 2 MINUTES

The Committee considered the minutes of the meetings held on 22 March and 12 April 2021.

#### RESOLVED:

**To approve the minutes of the Licensing Committee meetings held on 22 March and 12 April 2021.**

### 3 DISCLOSURES OF INTEREST

There were no disclosures of interest.

### 4 PROCEDURE AND TAXI LICENSING POLICY

The Committee noted the Licensing Committee procedure and the

Council's Taxi Licensing Policy.

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

The Chair welcomed Members to the first, face to face Licensing Committee meeting since February 2020, and commented how nice it was to see both Councillors and officers in person again, following such a challenging year.

The Committee were informed that on the 8 July 2021 the Council's Executive had approved a consultation to begin on the Department of Transport's Statutory Guidance for Taxi and Private Hire vehicles, for the remaining proposals not incorporated in Selby's current Taxi Licensing Policy. The consultation period was open until the 6 September 2021, and the Chair encouraged Members to respond to the consultation document, which had been circulated to them by the Licensing Manager.

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

The Licensing Manager advised the Committee that on the 5 July 2021 the Prime Minister had set out the final steps of the Covid-19 Roadmap Plan to restore people's freedoms; to include:

- No limits on social contact and no legal requirement to wear a face covering,
- The one meter plus rule would be removed in most settings,
- Nightclubs would reopen and hospitality businesses would no longer be required to provide table service,
- The capacity restrictions on businesses would be lifted,
- No restrictions on communal worship and singing,
- No limits on attendance numbers at concerts, theatres, and sports events and, no legal requirement for any venue or event to hold a Covid certificate.

Officers requested to cease the Covid updates, at this time, as there would be nothing to report, however, officers would continue to work with all agencies to ensure compliance with any changes to Covid measures in the future, and would keep Members informed, as and when, there were changes. Members were supportive of this approach.

The Committee noted that since the last update provided, Covid compliance across the district had been good.

### **RESOLVED:**

**To note the update.**

## **7 PROPOSAL TO IMPOSE 100% SMOKE FREE PAVEMENT LICENCES FROM OCTOBER 2021**

The Licensing Manager presented the report, which asked the Committee

to consider amending condition three of Selby's pavement consents, from the national requirement to provide a smoke free zone in the area, to imposing a local condition, to make the consent area 100% smoke free for all new and renewal pavement consents issued after 30 September 2021.

The Committee were informed that the Business and Planning Act 2020 had made district councils responsible for issuing Pavement licences from 1 July 2020. As of the 30 September 2021 these Licences had been due to expire and go back to Highways to administer, however this date had been extended to 30 September 2022.

Members noted that there was already a national condition on all pavement consents, that the licence holder must provide a smoke free seating area with no smoking signs being required in those areas; to comply with Section 149 of the Equality Act duty.

The Committee heard that the National Tobacco Control Strategy aimed to achieve a smoke free generation by 2030, with support for the strategy from North Yorkshire Public Health, who wanted to collaborate with district councils with a focus on pavement consents becoming smoke free seating areas, with a consideration for district councils to adopt a 100% smoke free condition of licence.

Members were asked to note that in addition to the recommendation within the report, the recommendation should also read, if the amendment to the conditions is agreed, members are to provide comments that will be taken to the Executive committee for approval, and Policy Review Committee updated accordingly.

Discussion took place regarding imposing a 100% smoke free local condition for all new and renewal pavement consents issued from 1 October 2021, however Members felt that it was not appropriate to impose the condition at this moment in time, when businesses who had been affected by the pandemic were trying to recover and rebuild their business.

It was proposed and seconded that it was not appropriate to impose a 100% smoke free local condition and amend condition 3 of Selby's pavement licence at this time, and that the matter should be deferred until August 2022, the vote was unanimous.

**RESOLVED:**

**To defer the proposal to impose a 100% smoke free local condition and amend condition 3 of Selby's pavement licence, until August 2022.**

*Reason for decision:*

*To help support businesses within the Selby district to recover from the disruption caused by Covid-19 and to succeed in these challenging times.*

## 8 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.**

## 9 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.*

## 10 TO CONSIDER IF AN INDIVIDUAL IS STILL A FIT AND PROPER PERSON TO CONTINUE TO HOLD LICENSES WITH SELBY DISTRICT COUNCIL

The Licensing Manager presented the report, which asked the Committee

to consider if the individual was a fit and proper person to hold a Private Operators Licence, a Private Hire Drivers Licence, a Hackney Carriage Drivers Licence and two Hackney Carriage Proprietor (vehicle) Licences in accordance with the Council's Taxi Licensing Policy, having regard to the circumstances of the complaint and the individual's actions.

The Licensing Manager explained that the report was brought before the Committee following information received by the Licensing Team in October 2020, which showed a photograph of the driver's vehicle parked on a pavement in Selby town. An investigation by the Enforcement team had commenced following the reporting of the incident, at which time the driver had attended a meeting to discuss the matter, however, at that meeting the driver refused to converse with officers of the Council, therefore the issue remained unresolved.

Additionally, the driver failed to notify the Licensing Authority of a speeding offence within three days as required by the Taxi Licensing Policy, the fixed penalty notice had been issued in March 2021, and the Licensing team did not receive notification from the driver until June 2021.

Members heard that an offence of this nature would normally be dealt with by the Licensing Manager, whereby a verbal warning would be given to the driver, however, as the Enforcement team were still dealing with the prior issue with the driver, the speeding offence was passed to them to resolve as a whole. To date, the driver had not responded to the Enforcement officers email requesting an explanation for the late notification of the speeding offence.

The driver and the driver's representative were able to respond to questions asked by the Committee concerning the report.

The driver, the driver's representative, and the Licensing Manager left the meeting at this point and did not return.

The Committee considered that the evidence presented demonstrated that the applicant was a 'fit and proper person' to be a licensed Private Hire and Hackney Carriage operator and driver. However, Members agreed that two strongly worded written warnings should be sent to the driver to emphasise the concerns of the Committee in relation to the failure to report the speeding offence within three days as required by the Taxi Licensing Policy, and the need for the driver to co-operate with the Licensing Authority.

The Solicitor confirmed that the two written warnings would be kept on the driver's file permanently.

**RESOLVED:**

- i. That the Driver remained a 'fit and proper' person to hold a Private Operators Licence, a Private Hire Drivers Licence, a Hackney Carriage Drivers Licence and two Hackney Carriage Proprietor**

**(vehicle) Licences.**

- ii. That two strongly worded written warnings be issued to the driver to emphasise the concerns of the Committee.**

***Reason for decision:***

*The Committee was satisfied that the applicant was a 'fit and proper' person in accordance with the Council's Licensing Policy but wished to emphasise to the driver the seriousness of the matters.*

The meeting closed at 11.46 am.