

## Minutes

### Licensing Committee

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Venue:	Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 10 September 2018
Time:	10.00 am
Present:	Councillors K Ellis (Chair), R Sweeting (Vice-Chair), D Buckle, J Chilvers, S Duckett, B Marshall, D Peart, C Pearson and P Welch
Officers present:	Jade Reynolds (Solicitor), Sharon Cousins (Licensing Manager) and Dawn Drury (Democratic Services Officer)
Public:	0
Press:	0

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#### **24 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors White and Thurlow.

#### **25 MINUTES**

The Committee considered the minutes of the meeting held on 6 August 2018.

##### **RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 6 August 2018.**

#### **26 DISCLOSURES OF INTEREST**

Councillor Dave Peart declared a personal interest in agenda item 9 "Hackney Carriage Driver's Licence" as he knew the driver concerned and therefore stated he would be leaving the meeting during the consideration of this item.

## 27 PROCEDURE AND TAXI LICENSING POLICY

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

**The Chair proposed that the order of the agenda be amended to allow agenda item 9 to be taken first. This was agreed by the Committee.**

## 28 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.**

## 29 HACKNEY CARRIAGE DRIVER'S LICENCE

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

The Licensing Officer presented the report, which asked the Committee to consider whether a licensed 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 report was brought before the Committee as the driver had contacted the Licensing Team to bring to their attention that he had received six penalty points on his DVLA licence. The offence had taken place in 2017 however the driver had not declared them at that time as although he still had his Hackney Carriage drivers licence he was not driving as he was in other full time employment.

The driver was able to respond to questions asked by the Committee concerning the report.

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 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 this was a first time offence over a 15 year period, and were satisfied that the driver was a "fit and proper person", but that a 12 month written warning should be issued as failure to declare penalty points constituted non-compliance with the Council's Licensing Policy.*

**30 PUBLIC SESSION**

*Councillor Peart returned to the meeting.*

**RESOLVED:**

**To return to public session.**

*Reasons for decision:*

*The nature of the business to be considered was no longer considered to be exempt as described in Schedule 12A of the Local Government Act 1972 (as amended).*

**31 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

The Chair informed the Committee that the Licensing Authority had approved the event management plan enabling the Mint Festival to go ahead at Leeds East Airport on 22 September 2018; this was because the Safety Advisory Group members were happy with their element of the plan.

The Chair informed the Committee that one verbal warning had been given to taxi drivers this month.

The Chair informed the Committee that a consultation on 'the definition of a wheelchair accessible vehicle' and 'discreet plate licensing' was due to begin with the trade from 24 September 2018, and that the results of the consultation would be presented to the Committee.

**32 GAMBLING POLICY REFRESH**

The Licensing Officer presented the report, which asked the Committee to note the draft Gambling Policy and provide any comments or recommendations on the consultation responses received.

The Committee were informed that the draft Policy went out for consultation between 16 July 2018 and 13 August 2018, it received no representations but two comments were received.

HM Revenue and Customs, a Responsible Authority listed in the appendices of the policy, had made contact to amend their postal contact address from 21 India Street to: HM Revenue and Customs, Excise Processing Teams, BX9 1GL, England.

The Gambling Commission advised that the authority may wish to include a Council requirement that Local Risk Assessments (LRA) were kept on the premises; it was felt that this would prove helpful to Enforcement Officers when conducting visits to licensed premises.

**RESOLVED:**

- i. To note the draft Gambling Policy.**
- ii. To approve the amendment of the contact address for HM Revenue and Customs as stated above.**
- iii. To approve the requirement and inclusion that Local Risk Assessments (LRA) are kept on the licensed premises.**

### **33 THE ANIMAL WELFARE REGULATIONS 2018**

The Licensing Officer presented the report, which asked the Committee to note the changes to the Animal Welfare legislation as of 1 October 2018.

Selby District Council was responsible for issuing licences for pet shops, dog breeding, dangerous wild animals, animal boarding (dogs and cats, overnight home boarding), and riding establishments, zoo licensing and performing animals. As of 1 October 2018 the definition of 'boarding' would change, meaning that the authority would be required to licence businesses offering a day boarding service.

All new licences with effect from 1 October 2018 would have to contain the regulations and conditions. The regulations recommended that the maximum licence length that could be issued be increased from one to three years, with the longer licences going to businesses with earned recognition and a low level of risk. Officers recommended that all licences continue for one year to avoid fewer inspections and the level of risk increasing.

The Committee raised questions around the licensing of dog walker's, the Licensing Manager confirmed that they were not licensable. The Committee asked the Licensing Manager to discuss the possibility of Selby District Council initiating a policy with the Solicitor to the Council

and reporting back at the next Committee.

**RESOLVED:**

- i. To note the changes to the Animal Welfare Regulations 2018.**
- ii. To endorse the recommendation of Officers to maintain the maximum licence length at one year.**
- iii. To ask the Licensing Manager to speak with the Solicitor to the Council around the regulations for dog walkers, and report back at the next Committee.**

The meeting closed at 10.35 am.