

Minutes

Licensing Committee

Venue:	Committee Room - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 3 June 2019
Time:	10.00 am
Present:	Councillors K Ellis (Chair), R Sweeting (Vice-Chair), J Chilvers, S Duckett, T Grogan, J Duggan and P Welch
Officers present:	Sharon Cousins, Licensing Manager, Jade Reynolds, Solicitor, Alison Beaumont, Senior Enforcement Officer, Victoria Foreman, Democratic Services Officer
Public:	0
Press:	0

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors I Chilvers, M McCartney and M Jordan.

2 MINUTES

The Committee considered the minutes of the meeting held on 8 April 2019.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 8 April 2019.

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.

Officers confirmed that the procedures for the granting of discreet licences would be tightened up in the new Taxi Licensing Policy which was currently under development.

5 CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair gave his address to the Committee.

Members noted that the Council's Safety Advisory Group had met with the Mint Festival to discuss their event management plan for the Mint Festival which would be taking place again on Saturday 28 September 2019 at Leeds East Airport. As per the condition of the premises licence, the latest date for approval of the event management plan by the Licensing Authority would be 28 August 2019.

The Chair reminded Members that there would be training on 11 June; the morning session would be 'back to basics' training for Members new to the Committee, and would begin at 9.00am. The afternoon session would be a refresher course beginning at 1.00pm for all Members.

Members acknowledged that no verbal warnings have been given by Officers that month.

Lastly, the Chairman indicated that the Licensing Manager would like to discuss officer delegation in relation to discreet licensing at the end of the meeting.

6 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.

7 HACKNEY CARRIAGE DRIVERS LICENCE

The Licensing Manager 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 following receipt of the four monthly test certificate, and copy of the MOT required for a vehicle over

seven years of age. The Committee was informed that the MOT certificate showed that there had been a period of 50 days that the vehicle did not have a current MOT certificate, which would have invalidated the insurance of the vehicle.

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 driver remained a “fit and proper person” to hold a licence.

The Committee considered that it was the drivers’ responsibility to check that any paperwork pertaining to his vehicle was correct and up to date, and that such an oversight should not happen again. The Committee felt that the evidence presented demonstrated that the applicant was a ‘fit and proper person’ to be a licensed Hackney Carriage driver, but that a strongly worded written warning should be sent to the applicant to emphasise the concerns of the Committee. The Solicitor confirmed that the written warning would be kept on the applicant’s file permanently.

RESOLVED:

- i. **That the Hackney Carriage Driver remained a ‘fit and proper’ person to hold a Hackney Carriage Driver’s Licence.**
- ii. **That a strongly worded written warning be issued to the applicant 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 applicant the seriousness of the oversight in relation to the vehicle’s MOT.

8 APPLICATION FOR A 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 Committee heard that the applicant had purchased the new vehicle to replace an existing vehicle, which had been licensed with a discreet plate. 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 acknowledged that it had been brought before them because the applicant's vehicle had changed.

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 the applicant had purchased a new vehicle.

9 PRIVATE HIRE DRIVER'S LICENCE

The Licensing Manager presented the report, which asked the Committee to consider whether a licensed Private Hire 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, accompanied by a companion to support him in the process.

It was explained that the report was brought before the Committee following information received by the Licensing Team, which showed an advertisement placed by the driver on Facebook via the 'Save our Selby' site, advertising for 'lifts'. 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 driver did not hold a Private Hire Operator Licence and therefore being a Private Hire driver alone did not allow the driver to take bookings.

The driver and his companion were able to respond to questions asked by the Committee concerning the report.

The driver, his companion and Licensing Manager left the room while the Committee considered whether the driver remained a "fit and proper person" to hold a licence.

The Committee considered the matter in full and expressed concerns regarding some inconsistencies in the case and felt that some aspects merited further investigation, particularly the understanding of the applicant in relation to the differing requirements for a Hackney Carriage and Private Hire driver and questions regarding the validity of insurance if jobs had not been logged correctly.

At this point Councillor T Grogan left the meeting and did not return for the remaining discussion or the decision on the item.

The Committee considered that the evidence presented demonstrated that the applicant was a 'fit and proper person' to be a licensed Private Hire driver. However, Members agreed that a strongly worded written warning should also be sent to the applicant to emphasise the concerns

of the Committee. The Solicitor confirmed that the written warning would be kept on the applicant's file permanently.

RESOLVED:

- i. **That the Private Hire Driver remained a 'fit and proper' person to hold a Private Hire Driver's Licence.**
- ii. **That a strongly worded written warning be issued to the applicant 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 applicant the seriousness of the matter.

10 APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE

Councillor T Grogan returned to the meeting at this point, but went on to declare a non-pecuniary interest in agenda item 10 and indicated that he would not take part in the debate or the decision. Councillor T Grogan left the meeting and did not return.

The Licensing Manager presented the report, which asked the Committee to consider an application for a saloon type 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 current Taxi Licensing Policy which states, where a new application is made for a Hackney Carriage vehicle, the licence will only be granted if the vehicle is wheelchair accessible.

The applicant was present and was able to respond to questions asked by the Committee concerning the report. The applicant was accompanied by a Trade Union representative.

The Chair granted a short adjournment in order for the Members to read a written submission from the Trade Union Branch Secretary.

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

The Committee were of the view that the vehicle for which the application had been submitted was not wheelchair accessible as per Selby's current Taxi Licensing Policy, and as such, the granting of a licence for this vehicle would be contrary to policy.

RESOLVED:

To refuse the application for a saloon type vehicle to be licensed as a Hackney Carriage vehicle.

Reason for decision:

The Committee refused the application as the vehicle is new and therefore this is contrary to the Taxi Licensing Policy under paragraph 6.1.

11 OFFICER DELEGATION - DISCREET LICENCING

The Licensing Manager explained to Members that under the current delegation arrangements, Officers had permission to grant like for like discreet plates if an exemption had already been granted, but that they could not do so if the vehicle was being changed to a different type, as seen at agenda item 8.

Members discussed the matter further and it was proposed and seconded that delegated authority for Officers to grant discreet plates should be granted if the applicant had changed their vehicle to an upgraded or higher model than the original.

RESOLVED:

To delegate authority to Officers to grant discreet plates should an applicant have changed their vehicle to an upgraded or higher model than the original.

The meeting closed at 12.55 pm.