

## Minutes

### Licensing Committee

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Venue:	Committee Room, Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 4 November 2019
Time:	10.00 am
Present:	Councillors K Ellis (Chair), R Sweeting (Vice-Chair), J Chilvers, S Duckett, I Chilvers, T Grogan, M Jordan, J Duggan and P Welch
Officers present:	Sharon Cousins, Licensing Manager, Jade Reynolds, Solicitor and Dawn Drury, Democratic Services Officer
Public:	0
Press:	0

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#### **34 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor M McCartney.

#### **35 MINUTES**

The Committee considered the minutes of the meeting held on 21 October 2019.

#### **RESOLVED:**

**To approve the minutes of the Licensing Committee meeting held on 21 October 2019.**

#### **36 DISCLOSURES OF INTEREST**

There were no disclosures of interest.

#### **37 PROCEDURE AND TAXI LICENSING POLICY**

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

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

Members were informed that the Home Secretary had announced plans to extend public house licensing hours across England and Wales to mark the 75th anniversary of Victory in Europe Day. Under the proposal, public houses, clubs and bars which were licensed to trade until 11pm would be allowed to stay open until 1.00 am on Friday 8 and Saturday 9 May 2020.

The Committee were informed that the Licensing Team had not been up to full capacity over the previous year due to staff absences however, regardless of this, all response times and licence renewals had been implemented on time.

Lastly, members noted that one verbal warning for undeclared points on a drivers licence had been given by officers that month.

### **39 PROPOSAL TO SUSPEND SECTION 6 OF THE TAXI LICENSING POLICY**

The Licensing Manager presented the report, which asked the Committee to note the contents of the Executive report attached at appendix A, and provide any comments to be considered by the Executive.

The Members heard that a report had been submitted to the Executive for the meeting to take place on 7 November, asking them to make a decision in respect of suspending section 6 of the Taxi Licensing Policy, pending implementation of the new 2019 Taxi Licensing Policy. It was confirmed that this was in response to concerns being raised regarding section 6 of the policy, in particular:

- The safety standard of wheelchair accessible vehicles (WAV) in the current policy did not comply with the Equalities Act legislation; and
- The requirement to join a waiting list to change from a hackney carriage WAV to a non WAV, and its administration, including the time frame and assessment.

Members expressed concern regarding the current 42 wheelchair accessible vehicles in the Council's fleet which did not comply with section 167 of the Equality Act, and the 70% / 30% split between wheelchair accessible vehicles and non-wheelchair accessible vehicles.

Discussion took place around informing the drivers and outlining the option for them to move to saloon cars, the Licensing Manager assured the Committee that she had already spoken to a number of drivers, and that once a decision was made by the Executive it would be confirmed by letter; it would also be displayed immediately on the Council's website.

The Committee were in favour of the proposal to suspend section 6 of the Taxi Licensing Policy, with the proviso that all drivers received written notification.

It was confirmed that Councillor Grogan had been requested to speak at the Executive meeting on the item; the members requested that he convey their support for the suspension along with the comments above regarding informing the drivers.

**RESOLVED:**

- i. To note the contents of the report.**
- ii. To provide the Executive with the Licensing Committee's comments as detailed above.**

*Reason for decision:*

*To recommend suspension of section 6 of the Taxi Licensing Policy to the Executive in view of concerns being raised regarding:*

- *The safety standard of wheelchair accessible vehicles (WAV) in the current policy did not comply with the Equalities Act legislation; and*
- *The requirement to join a waiting list to change from a hackney carriage WAV to a non WAV, and its administration, including the time frame and assessment.*

**40 ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018, LICENSING FEES**

The Licensing Manager presented the report, which asked the Committee to note the report, and approve the proposed fees and charges set out in appendix A of the report in relation to animal licensing.

The Members were made aware of an error in appendix A of the report; the licence for breeding dogs had been missed from the table. It was confirmed that the total fee for a dog breeding licence would be £228.

The Committee were supportive of the proposed fees and charges, as detailed at appendix A of the report.

**RESOLVED:**

- i. To note the contents of the report**
- ii. To approve the fees and charges in relation to animal licensing, as outlined in the report at appendix A.**

*Reason for decision:*

*Adoption of the proposed fees and charges in relation to animal licensing would help to protect the welfare of animals within the Selby district; and*

*ensure that the Licensing Authority was not running at a deficit.*

*The Chair paused the meeting at 10.30 am to allow the Committee to read an additional statement which had been received from the driver that morning, in respect of agenda item number 9, application for a private hire driver licence.*

*The meeting re-commenced at 10.39 am*

#### **41 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.**

#### **42 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE**

The applicant was present at the meeting, the Chair informed the applicant that the Committee had read and considered the additional statement that he had provided that morning.

The Licensing Manager presented the report, which asked the Committee to determine an application for a Private Hire Driver's Licence. It was noted that the application had been brought before the Committee due to a Disclosure and Barring Service (DBS) check highlighted previous convictions during the application process.

The applicant was able to respond to questions asked by the Committee concerning the report including the previous convictions.

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

The Committee considered the report, the additional statement and the information from the Licensing Manager, and stated that they were concerned by the seriousness of the offences, and that the evidence presented did not demonstrate that the applicant was a 'fit and proper' person to be a Private Hire driver. It was proposed, and seconded, to refuse the application.

##### **RESOLVED:**

**To refuse the application for a Private Hire Driver's Licence.**

*Reason for decision:*

*The committee was not satisfied that the applicant was a 'fit and proper person'; due to the seriousness of the offences.*

#### **43 APPLICATION FOR A HACKNEY CARRIAGE DRIVER LICENCE**

The Licensing Manager presented the report, which asked the Committee to determine an application for a Hackney Carriage Driver's Licence. It was noted that the application had been brought before the Committee due to a Disclosure and Barring Service (DBS) check highlighted a previous conviction during the application process.

The applicant was present and was able to respond to questions asked by the Committee concerning the report including the previous conviction.

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

The Committee considered the report, and the information from the Licensing Manager, and stated that they were concerned by the seriousness of the offence.

The Committee considered that the evidence presented did not demonstrate that the applicant was a 'fit and proper' person to be a Hackney Carriage driver. It was proposed, and seconded, to refuse the application.

#### **RESOLVED:**

**To refuse the application for a Hackney Carriage Driver's Licence.**

*Reason for decision:*

*The committee was not satisfied that the applicant was a 'fit and proper person'; due to the seriousness of the offence.*

#### **44 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 application was supported by letters from three customers. 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 noted that the

applicant would be enhancing his business with the vehicle.

**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 they felt the applicant was progressing and enhancing his business.*

The meeting closed at 11.40 am.