

Minutes

Licensing Committee

Venue:	Committee Room, Civic Centre, Selby.
Date:	Monday 15 January 2018
Time:	10.00 am
Present:	Councillors C Pearson (Chair), K Ellis, D Buckle, I Chilvers (substitute for M Hobson), Mrs J Chilvers, Mrs S Duckett, B Marshall, J Thurlow, and Mrs D White.
Officers present:	Gillian Marshall, Solicitor to the Council; Jade Reynolds, Solicitor; Sharon Cousins, Licensing Manager; Alison Beaumont, Senior Enforcement Officer; David Herbert, Enforcement Officer, and Alice Courtney, Democratic Services Officer.
Public:	0
Press:	0

52. APOLOGIES FOR ABSENCE

The Democratic Services Officer informed the Committee that apologies had been received from Councillors R Sweeting and M Hobson, and that Councillor I Chilvers was the substitute for Councillor M Hobson.

53. MINUTES

The committee considered the minutes of the meeting held on 4 December 2017.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 4 December 2017.

54. DISCLOSURES OF INTEREST

There were no disclosures of interest.

55. PROCEDURE AND TAXI LICENSING POLICY

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

56. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair reported that Central Government changes meant that taxi licence applicants in England and Wales could no longer apply to Disclosure Scotland for a basic disclosure, and that they had to apply to the Disclosure and Barring Service. The Committee was informed that the change would be implemented by the end of January 2018, and that officers were updating Council processes to ensure that new licence applications and renewals provided checks that reflected the change.

The Committee was also informed that Selby District Council had successfully prosecuted a licenced private hire driver who failed to display rear vehicle licence plates. The Chair noted that the prosecution was brought in the interests of public safety, and that further details were available on the Council's website.

The Chair further reported that it was proposed that a joint Licensing Policy Workshop with the Policy Review Committee take place at 11am on Monday 5 February 2018 following the Licensing Committee meeting, where amendments to the Council's current Licensing Policy would be looked at.

The Chair highlighted that the annual Licensing training day was scheduled for Wednesday 23 May 2018, 9.30am.

The Chair proposed that the order of the agenda be amended to allow agenda items 8, 10 and 9 to be taken first. This was agreed by the Committee.

57. 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.

58. PRIVATE HIRE DRIVER'S LICENCE (L/17/20)

The Licensing Manager presented the case, which detailed that the Driver had failed to inform the Council of two driving endorsements received in 2016.

It was noted that all licenced drivers within Selby District were obliged to inform the Council of such offences and that failure to do so constituted non-compliance with the Council's Licensing Policy and demonstrated dishonesty.

The report highlighted that the individual's employer was aware of the driving offences, yet also failed to inform the Council of them. The Committee therefore asked the Licensing Manager to look into whether the Licensing Policy stated that an Operator also had a duty to inform the Council of any known endorsements that drivers received.

The Driver was present and responded to questions, and noted that they were not aware of the requirement to report driving endorsements to the Council – they believed that the Council received this information automatically.

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 in light of the information contained in the report.

It was agreed that the Driver be issued with a severe written warning for 12 months, along with a recommendation that they read the Licensing Policy and contact the Licensing Team for clarification if they were unsure of any aspect of it.

RESOLVED:

To issue the Driver with a severe 12 month written warning in relation to the information contained in the report.

Reason for decision:

The Committee noted that the Driver had not raised any concerns with the Council prior to this, and was satisfied that the individual was a 'fit and proper person' in accordance with the Council's Licensing Policy, but that a written warning should be issued to demonstrate that the Council takes failing to declare driving endorsements seriously.

59. PRIVATE HIRE DRIVER'S AND OPERATOR'S LICENCE (L/17/19)

The Licensing Manager informed the Committee that the individual had given their apologies and had indicated that they were content for the case to be considered in their absence. The Committee agreed to consider the case in the absence of the individual.

RESOLVED:

To consider the case in the absence of the individual.

The Licensing Manager presented the report, which contained information on two driving endorsements that the individual had failed to inform the Council of.

The Committee requested that future reports of this nature included information related to when the individual was granted a Driver's or Operator's Licence, as applicable.

It was agreed that a severe written warning for 12 months be issued, and that the letter to the individual should include a statement that highlighted the Committee found it more difficult to consider the case in the individual's absence, as it could not ask questions.

RESOLVED:

To issue the individual with a severe 12 month written warning in relation to the information contained in the report, and to highlight the difficulty faced by the Committee in considering the case in the absence of the individual.

Reason for decision:

The Committee noted that the Driver had not raised any concerns with the Council prior to this, and was satisfied that the individual was a 'fit and proper person' in accordance with the Council's Licensing Policy, but that a written warning should be issued to demonstrate that the Council takes failing to declare driving endorsements seriously.

60. PUBLIC SESSION

RESOLVED:

To move back into public session.

61. EXECUTIVE HIRE WORKING GROUP UPDATE (L/17/17)

The Licensing Manager presented the report, which informed the Committee that the Executive Hire Working Group had met for a second time in December 2017.

It was noted that a number of recommendations had been put forward by the Working Group, which were included in the report, and it was proposed that a joint Licensing Policy Workshop be held with the Policy Review Committee to discuss the recommendations.

RESOLVED:

- i) To note the report.**
- ii) To agree to hold a joint Licensing Policy Workshop with the Policy Review Committee to discuss the recommendations of the Working Group.**

62. WHEELCHAIR ACCESSIBLE VEHICLES POLICY REVIEW (L/17/18)

The Licensing Manager presented the report, which informed the Committee that it was illegal for taxi drivers of designated wheelchair accessible vehicles to refuse a fare from a disabled passenger unless they were certified as exempt from the requirements to assist (Equalities Act 2010).

It was therefore recommended that the Committee review the Council's practices and procedures during a joint Licensing Policy Workshop with the Policy Review Committee, to ensure that the trade was aware of their obligations in relation to assisting passengers with a wheelchair.

The Licensing Manager informed the Committee that The Automotive Group had been invited to the meeting to speak about Wheelchair Accessible Vehicles.

At this point in the meeting, two representatives from The Automotive Group entered the room.

The representatives from The Automotive Group advised the Committee that they manufactured and tested wheelchair accessible vehicles to ensure that they were as safe as possible for passengers who used a wheelchair. The Committee was informed that all vehicles that passed the test were supplied with a 'type approval', which denoted the vehicle was fit to transport wheelchair users. It was highlighted that most Councils no longer licensed vehicles without 'type approval', as they did not ensure safety for disabled passengers.

The Automotive Group representatives stated that they had professional video footage of the crash tests and their wheelchair accessible vehicles, and that they could be circulated to the Committee. It was also highlighted that The Automotive Group had brought two vehicles to the Civic Centre for the Committee to view.

At this point in the meeting, the Committee left the room as a group to view the wheelchair accessible vehicles that The Automotive Group had brought.

The Committee agreed that the viewing had been useful, and asked the Solicitor to the Council and the Licensing Manager to contact the charity 'Motability' to obtain a list of suitable wheelchair accessible vehicles, and then compile a comprehensive list of Selby District Council licenced vehicles for comparison.

RESOLVED:

- i) To note the report.**
- ii) To ask The Automotive Group to circulate video footage of the crash testing and the vehicles that they manufacture.**

- iii) **To ask the Solicitor to the Council and the Licensing Manager to contact 'Motability' to obtain a list of suitable wheelchair accessible vehicles, and then compare this list with a comprehensive list of licenced vehicles types within the Selby District.**
 - iv) **To agree to hold a joint Licensing Policy Workshop with the Policy Review Committee to discuss wheelchair accessible vehicles.**
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The meeting closed at 11.31 am.