

Minutes

Licensing Committee

Venue:	Committee Room, Civic Centre, Selby.
Date:	Monday 5 February 2018
Time:	10.00 am
Present:	Councillors C Pearson (Chair), K Ellis, D Buckle, Mrs J Chilvers, Mrs S Duckett, M Hobson, B Marshall, D Peart (substitute for Mrs D White), R Sweeting and J Thurlow.
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

63. APOLOGIES FOR ABSENCE

The Democratic Services Officer informed the Committee that apologies had been received from Councillor Mrs D White, and that Councillor D Peart was her substitute.

64. MINUTES

The Committee considered the minutes of the meeting held on 15 January 2018.

RESOLVED:

To approve the minutes of the Licensing Committee meeting held on 15 January 2018.

65. DISCLOSURES OF INTEREST

Councillor B Marshall declared a personal interest in agenda item seven, as the individual concerned was married to his niece. He therefore stated that he

would leave the room and not participate in any discussion or vote on that item.

66. PROCEDURE AND TAXI LICENSING POLICY

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

67. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

There was no Chair's address.

68. 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.

69. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER'S LICENCE (L/17/21)

At this point in the meeting, Councillor B Marshall left the room as he had declared a personal interest in the item and stated that he would not participate in any discussion or vote.

The Licensing Manager presented the report which outlined concerns relating to whether an individual was a fit and proper person to hold a Private Hire and Hackney Carriage Driver's Licence. The driver concerned and his employer were present.

The Licensing Manager explained that the driver had failed to inform the Council of a Police caution which he had received. The Committee was informed that the caution had appeared on the driver's Disclosure and Barring Service (DBS) check during the licence renewal procedure. It was noted that all licenced drivers within Selby District were obliged to inform the Council of such incidences, and that failure to do so constituted non-compliance with the Council's Licensing Policy.

The report highlighted that the driver in question had no previous enforcement history.

The driver's employer explained that, as the incident was not related to taxi driving, they did not believe that the caution had to be reported to the Council.

The driver's employer further stated that North Yorkshire County Council had been informed and were satisfied that no further action was required.

The driver highlighted that they had reported the incident to a Licensing Officer over the telephone, however there was no record to confirm this. The Chair informed the driver and his employer that notification needed to be given to the Council in writing.

The Licensing Manager, driver and his employer left the room while the Committee considered whether the driver remained a 'fit and proper person' to hold a licence in light of the information contained in the report.

It was agreed that no further action would be taken against the driver and that both licences would be renewed. However, the Solicitor to the Council was asked to remind the driver and his employer of their duty to declare offences in line with the Council's Licensing Policy.

RESOLVED:

To renew the Private Hire and Hackney Carriage Driver's Licence and take no further action against the Driver.

Reason for decision:

The Committee was satisfied that the individual remained a 'fit and proper person' in line with the Council's Licensing Policy.

70. HACKNEY CARRIAGE DRIVER'S LICENCE (L/17/22)

At this point in the meeting, Councillor B Marshall re-entered the room to participate in the remainder of the meeting.

The Solicitor to the Council informed the Committee that the seriousness of the allegations against the driver which had resulted in criminal charges being made for an alleged offence, which took place while the driver was driving a licenced vehicle, meant that the item needed to be considered by the Committee without delay to determine whether the driver remained a 'fit and proper person' in accordance with the Council's Licensing Policy. However, the individual's bail conditions meant that they were prohibited from entering North Yorkshire, therefore the driver was not present.

The Committee was informed that the driver had telephoned officers prior to the meeting and asked for the item to be deferred while they worked with a solicitor to amend the bail conditions to allow them to attend a Committee meeting to present their case. The Solicitor to the Council recommended that the item be deferred in the absence of the driver.

It was agreed that consideration of the item be deferred to allow the driver to apply to amend their bail conditions so that they may attend a Committee meeting to present their case.

The Committee also requested that, in the interests of public safety, neighbouring authorities be informed of the individual, as the driver was able to drive in other localities due to holding a Hackney Carriage Licence.

RESOLVED:

- i. **To DEFER the item to allow the individual to attend a Committee meeting.**
- ii. **To ask officers to inform neighbouring authorities of the individual in the interests of public safety.**

Reason for decision:

The Committee noted that, in the interests of fairness, the individual should be allowed time to apply to amend their bail conditions so that they could present their case at a Committee meeting.

71. HACKNEY CARRIAGE DRIVER'S LICENCE (L/17/23)

The Licensing Manager presented the report, which detailed that a licenced Hackney Carriage Driver was reported to have used a mobile phone without appropriate 'hands free' equipment while driving with passengers, including children.

The driver was present and presented their case, and indicated that their mobile phone usage was in relation to a recent serious accident that the driver had been involved in, which had been reported to the Council.

In response to questions, the driver explained the circumstances of the incident. The driver confirmed that they knew that use of a mobile phone while driving was a criminal offence and acknowledged that they could have pulled over in the service area to return the call.

The Licensing Manager and the driver left the room while the Committee considered the case.

The Committee took into account the fact that the driver had admitted the incident when questioned and the impact that suspension or revocation of the licence would have on the driver, however due to the seriousness of the offence, agreed that the driver's licence should be suspended for a period of three months with immediate effect in the interests of public safety, and requested that a letter that detailed the suspension and reasons for its immediate effect be issued the same day.

RESOLVED:

- To SUSPEND the driver's Hackney Carriage Driver's Licence for a period of three months with immediate effect.**

Reason for decision:

The Committee noted that the offence was serious, and in the interests of public safety agreed to suspend the

licence to send a clear message to the driver and the trade that the use of a mobile phone while driving would not be tolerated.

The meeting closed at 11.35 am.