

LICENSING SUB-COMMITTEE

DATE: Tuesday, 8 November 2022
TIME: 2.00 pm
VENUE: Council Chamber - Civic Centre, St Luke's Avenue, Harrogate, HG1 2AE.

Any three members of the of the Council's Licensing Sub-Committee can form the Licensing Taxi Panel. The membership is expected to be:

PANEL MEMBERS: Councillor Victoria Oldham, Councillor Andrew Paraskos and Councillor Robert Windass

STANDBY MEMBER: Councillor Ed Darling (to attend only if specifically requested to do so)

Notice is hereby given that the above meeting will take place for the purpose of deciding an application under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

AGENDA

Item	Title	Page Number
1.	TO APPOINT A CHAIR:	
2.	INTRODUCTIONS:	
3.	DECLARATIONS OF INTEREST: Members to indicate whether they will be declaring any interests under the Code of Conduct.	
4.	TO AGREE A PROCEDURE FOR HEARING: Copy of suggested procedure attached.	3 - 4
5.	EXEMPT INFORMATION: To determine whether to exclude the press and public during the consideration of agenda items.	
6.	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TOWN POLICE CLAUSES ACT 1847 - APPLICATION FOR A	5 - 16

HACKNEY CARRIAGE DRIVERS LICENCE:

The Food, Licensing and Occupational Safety Manager to submit a written report.

NOTES:

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session.

The agenda papers may be examined at the Civic Centre, Harrogate and a copy may be purchased for £6.00.

Please contact Harriet Clarke - Democratic Services Officer, if you have any queries or need further information on this agenda - telephone or email 01423 500600, democraticservices@harrogate.gov.uk

EMERGENCY PROCEDURES FOR MEETINGS – FIRE: On hearing the fire evacuation alarm, you should leave the building by the nearest safe fire exit. Once outside the building, please assemble in the corner of the visitor car park at the front of the building opposite the main entrance. Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

Suggested Procedure for the Panel

- The Chair will open the proceedings by stating the nature of the matter which is to be considered (first application/renewal/proposed suspensions/proposed revocation), whether the proceedings concern a driver's or vehicle licence, and the name of the applicant or licence holder.
- The Chair will introduce him/herself and the other members of the Panel, the Clerk to the Panel and any other officers present.
- The vehicle inspection will be conducted (where appropriate).
- The Chair will invite the Licensing Officer to outline the matter to be considered.
- The Chair will invite questions to be put to the Licensing Officer from all parties (including the Panel itself).
- The Chair will then invite the applicant or licence holder to present their case. The applicant or licence holder may make his/her representations personally or through a representative, who shall first identify him/herself.
- The Chair will invite questions to be put to the applicant or licence holder from all parties (including the Panel itself).
- The applicant will be given the opportunity to address any issues and summarise his/her case.
- The applicant or licence holder, his/her representative (if any) and any officer and objector(s) present (with the exception of the Clerk to the Panel) shall withdraw or the Panel will retire to consider their decision in private session. The Clerk to the Panel may also retire at the same time.
- The members of the Panel consider their decision. If any further clarification or information is required from the applicant or licence holder or any objector(s) or officer, all parties will be recalled.
- All parties will be recalled for the announcement by the Chair of the Panel's decision.
- The Panel's decision will be confirmed in writing by the Director of Resources (or other appropriate designated officer).
- At any point in this procedure the Panel may pass a resolution excluding the press and public from the meeting on the basis that, if they were to remain, there may be disclosure of exempt information (information relating to the private or business affairs of a particular person).

Further Review

- Appeal lies to the Magistrates' Court (and on further appeal to the Crown Court) within 21 days of the date upon which notification is received from the licensing authority by the following:-
 - (i) Any person who is aggrieved by a decision to refuse an application for a new private hire vehicle licence;
 - (ii) any person who is aggrieved by any conditions attached to a vehicle licence;
 - (ii) any proprietor whose vehicle licence has been revoked or suspended by whose application for renewal has been refused;
 - (iii) any proprietor whose vehicle licence is deemed to be revoked by virtue of failure to comply with the fitness requirements of an authorised officer or constable within two months;
 - (iv) the applicant for a driver's licence whose application is refused;
 - (v) any person who is aggrieved by any condition attached to a driver's licence;
 - (vi) any driver whose driver's licence has been revoked or suspended.
- If any requirement, refusal or other decision of the Council against which an appeal is lodged involves the execution of works or the taking of any action, or makes it unlawful for a person to carry on a business then, until the time for appealing has expired, or until the appeal is finally disposed of or withdrawn, no proceedings may be taken to enforce the failure to execute the work and the carrying on of the business will remain lawful.
- Where the Court varies or reverses the decision of the Council on appeal, the Council must give effect to the order of the Court.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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