

# Minutes

## Licensing Committee

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Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Monday, 14 November 2022
Time:	10.00 am
Present:	Councillors R Sweeting (Chair), J Chilvers (Vice-Chair), I Chilvers, C Pearson, M Jordan, J Mackman, P Welch and J Cattanach
Officers present:	Jade Reynolds (Solicitor), Sharon Cousins, Licensing Manager, William Donaldson, Trainee Solicitor, Paula Bellwood, Licensing Officer, Alison Beaumont, Senior Enforcement Officer (for agenda item 7 only), David Herbert, Enforcement Officer(for agenda item 7 only); and Dawn Drury, Democratic Services Officer
Public:	0
Press:	0

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### **24 APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors S Duckett, J Duggan and M McCartney.

### **25 DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **26 PROCEDURE AND TAXI LICENSING POLICY**

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

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

The Chair informed Members that an increase in Hackney carriage fares

had been approved by the Executive on 3 November 2022; the revised tariff would come into effect on the 18 November 2022.

The Committee heard that the Business and Planning Act 2020 had been amended to allow premises licences to authorise off sales, if the premises permitted consumption of alcohol on the premises, this was for a limited period only, to September 2023.

## **28 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.**

## **29 HACKNEY CARRIAGE DRIVER'S LICENCE**

The Chairman informed the driver and driver's representative that the Committee had read and considered a character reference received on behalf of the driver, following publication of the Committee agenda pack.

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.

It was explained that the report was brought before the Committee as the driver had contacted the Licensing Team to bring to their attention that they had received a further three penalty points on their driver's licence, following a speeding offence. Upon the request of the licensing team the driver had provided a Driver and Vehicle Licensing Agency (DVLA) access code, this check showed that the driver now had nine points on their DVLA driving licence, and therefore the matter had to come before the Licensing Committee.

The driver and driver's representative were able to respond to questions asked by the Committee concerning the report.

The driver, the driver's representative, the Licensing Manager and the Licensing Officer left the meeting at this point and did not return.

The Committee considered that the evidence presented demonstrated that the driver was a 'fit and proper person' to be a licensed Hackney Carriage driver. However, it was noted that there was a continuing

requirement on the part of the driver to maintain their professionalism and safety standards at all times, as specified within the Council's Taxi Licensing Policy.

Members agreed that a written warning letter should be sent to the driver to emphasise the concerns of the Committee.

**RESOLVED:**

- i. **That the Hackney Carriage Driver remained a 'fit and proper' person to hold a Hackney Carriage Driver's Licence.**
- ii. **That a written warning letter be issued to the driver to emphasise the concerns of the Committee.**

*Reason for decision:*

*The Committee was satisfied that the driver was a 'fit and proper' person in accordance with the Council's Licensing Policy but wished to emphasise to the driver the seriousness of the matter.*

**30 PRIVATE HIRE OPERATOR, PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS AND PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE PROPRIETOR**

*Members voted to grant a short adjournment in order for the Committee and all concerned parties to read additional character references which had been received that morning from the licence holder. The meeting adjourned at 11.00 am, and re-convened at 11.30 am.*

The Chair confirmed that the Committee had watched the video recording and read and considered the additional references which had been provided since publication of the agenda pack on Friday 4 November 2022.

The licence holder, their legal representative and three witnesses were present at the meeting.

The legal representative to the Licensing Authority presented the report, which asked the Committee to consider if the licence holder was a fit and proper person to hold a Private Hire Operator, Private Hire and Hackney Carriage Drivers, and Private Hire and Hackney Carriage Vehicle Proprietor Licences.

The legal representative explained that the report had been brought before the Committee following a visit to the offices of the taxi company by the Council's Enforcement Team. During the visit officers were made aware of two vehicles which were being operated purely for a particular type of contract work; and as such officers were advised that the two vehicles were registered with another organisation and did not require a

licence from the licensing authority.

Members were informed that following that visit both the Licensing and Enforcement teams had contacted the licence holder on a number of occasions, with the first contact being made on the 13 April 2022, when the licence holder was requested to provide answers to eight simple questions. The answers, if provided, would allow officers to contact the organisation and determine if the vehicles did require licensing by the local authority. Members noted that to date the licence holder had failed to provide the information required, therefore the issue remained unresolved.

Additionally, evidence had been submitted by an independent witness which called into question the maintenance procedures and safe condition of the licence holder's vehicles.

Finally, Members heard that a driver for the taxi company had been provided with the wrong address for a customer by the taxi booking staff, this had resulted in the driver incorrectly accessing the wrong address and causing distress to this person.

Following this incident and the concerns it raised, the Committee heard that officers had asked for an explanation from the licence holder on how the taxi booking system worked, whether the telephone calls came through a call centre, or if it was an app based system or a remote system operating through Pakistan. In terms of staff the licence holder was asked for the total number of staff employed to take taxi bookings in Selby, and evidence that Disclosure and Barring Service (DBS) checks had been carried out on these individuals.

Members noted that despite officers attending the premises of the taxi company to discuss the taxi booking system and the employees with the licence holder, conflicting information had been provided by the licence holder and the matter had not been resolved.

An independent witness provided information and responded to questions asked by the Committee.

The licence holder and the licence holder's legal representative were able to respond to questions asked by the Committee concerning the report.

***The meeting was adjourned at 1.20 pm for a short break and the meeting resumed at 2.10 pm.***

The Chairman asked both the legal representative to the Licensing Authority and the legal representative for the licence holder to sum up their case, and then confirmed with the licence holder and both representatives that they had nothing further that they would like to add for consideration by the Committee.

The licence holder, the licence holder's legal representative, the three

witnesses, the Licensing Manager, the Licensing Officer, the Trainee Solicitor, the two Enforcement Officers; and the independent witness left the meeting at this point and did not return.

The Committee expressed grave concerns and were of the view that the licence holder's conduct had been unacceptable when asked to comply with a reasonable request, and there was a serious safeguarding risk to the public. Therefore, it was proposed, and seconded, that it was reasonable, necessary and proportionate, having considered all the evidence presented to it, to conclude that the licence holder was not a fit and proper person and that all five licences should be revoked. The Committee's decision was unanimous.

**RESOLVED:**

**To revoke all the licences issued to the licence holder: to include Hackney Carriage Vehicles and Driver's licence, Private Hire Vehicles, Private Hire operator and Private Hire Drivers licence.**

***Reason for decision:***

*The Committee was not satisfied that the licence holder was a 'fit and proper person' to hold licences with Selby District Council and considered that it was appropriate to revoke the licences; due to driving two potentially unlicensed vehicles, and failure to fulfil their duty to ensure public safety, and that safeguarding requirements were met.*

The meeting closed at 3.45 pm.