

MISSION STATEMENT

***To Improve the Quality of Life
For Those Who Live and Work in The District***

3 April 2006

Dear Councillor

You are hereby invited to a meeting of the **Licensing Committee** to be held in Committee Room 2, Civic Centre, Portholme Road, Selby on **Monday, 10 April 2006** commencing at **10.00 am**.

The agenda is set out below.

PUBLIC SESSION

1. **APOLOGIES FOR ABSENCE** and Notice of Substitution.
2. **DISCLOSURE OF INTEREST**

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Sections 94 and 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

3. **MINUTES**

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 20 March 2006 (pages 5 to 9 attached)

4. **PROCEDURE**

To outline the procedure to be followed at the meeting (pages 10 to 11 attached).

5. **CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**
6. **PRIVATE SESSION**

It will be recommended 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 defined in Section 100(1) of the Act as described in paragraphs 4 & 7 of Part 1 of Schedule 12(A) of the Act.

7. **APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE LICENCE FOR A FORD FOCUS** - Report of the Head of Service – Legal and Democratic Services (pages 12 to 19)



M Connor
Chief Executive
3 April 2006

DISCLOSURE OF INTEREST – GUIDANCE NOTES:

- (a) Members are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

[Please note that the papers relating to the applications have been circulated to Members of the Licensing Committee only, who should return the agenda to Democratic Services at the conclusion of the meeting to enable the papers to be destroyed confidentially].

DATES OF FUTURE MEETINGS OF THE LICENSING COMMITTEE

Date	Deadline
24 April 2006	07 April 2006
15 May 2006	02 May 2006
12 June 2006	30 May 2006

MEMBERSHIP OF THE LICENSING COMMITTEE
10 MEMBERS

Conservative

J Ashton
J Dyson
K McSherry
C Pearson (Vice Chair)
R Sayner (Chair)
D Peart

Labour

G Croston
D Davies
S Duckett

Independent

J McCartney

Enquiries relating to this agenda, please contact Tracey Peam on:

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DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to a particular applicant to become an employee of, or particular office-holder or applicant to become an office-holder under, the authority.
2. Information relating to a particular employee, former employee, or applicant to become an employee of, or a particular officer or applicant to become an officer appointed by:
 - a) a magistrate's court committee, within the meaning of Section 19 of the Justices of the Peace Act 1979; or
 - b) a probation committee appointed under paragraph 2 of Schedule 3 to the Powers of Criminal Courts Act 1973.
3. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
4. Information relating to any particular applicant, or recipient of, any services provided by the authority.
5. Information relating to any particular applicant for, or recipient of, any financial assistance provided by the authority.
6. Information relating to the adoption, care, fostering or education of any particular child.
7. Information relating to the financial or business affairs of any particular person (other than the authority).
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
10. The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services.
11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.
12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, for information obtained or action to be taken in connection with:
 - a) any legal proceedings by or against the authority; or
 - b) the determination of any matter affecting the authority, (whether, in case, proceedings have been commenced or are in contemplation).
13. Information which, if disclosed to the public, would reveal that the authority proposes:
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person: or
 - b) to make an order of direction under any enactment.
14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
15. The identity of a protected informant.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 20 March 2006, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

698	Minutes
699	Procedure
700	Chair's Address to the Licensing Committee
701	Private Session
702	Application for the grant of a Hackney Carriage Licence for a Ford Focus
703	Public Session
704	Hackney Carriage Tariffs
705	Introduction of Licensing Initiative
706	Licensing Local Authority Parks and Open Spaces for Circuses
707	Gambling Act 2005 - Update

Present: Councillor R Sayner in the Chair

Councillors: G Croston, Mrs D Davies, Mrs S Duckett, Mrs J Dyson, Mrs M Hulme (for C Pearson), J McCartney, W Norton (for Mrs K McSherry) and D Peart.

Officials: Solicitor, Licensing Officer and Committee Administrator

Public: 2

Press: 0

696 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Councillors Mrs J Ashton, Mrs K McSherry and C Pearson.

Substitute Members were W Norton (for Mrs K McSherry) and Mrs M Hulme (for C Pearson).

697 DISCLOSURE OF INTEREST

None

698

MINUTES

RESOLVED:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 13 February 2006 be confirmed as a correct record and be signed by the Chair.

699

CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair informed Members of the training course she attended in York on 28 February 2006 which was on the Licensing Act – One Year On.

She informed Members that it focussed on the Gambling Act and she found it very interesting to talk to representatives from other Authorities in respect of Licensing Appeals.

If any Members required a copy of the slides from the course the Chair would make them readily available.

The Licensing Officer informed Members that he also attended this course and informed them that any money made from licensing had to be ring fenced and used solely for licensing needs.

700

PROCEDURE

The Procedure was noted.

701

PRIVATE SESSION

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 consideration of the following items as there will be a disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraphs 4 and 7 of Part 1 of Schedule 12A to the Act.

702

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE LICENCE FOR A FORD FOCUS

The Licensing Officer presented a report asking Members to consider an application for the grant of a hackney carriage licence for a Ford Focus, a vehicle not fully accessible to disabled users.

The Licensing Officer outlined details of the case.

The driver concerned outlined his reasons for the application and Members questioned the driver, as to the full circumstances of the application.

RESOLVED: That the application for a Hackney Carriage Licence be granted in respect of the vehicle, with the vehicle being exempted from the requirement for it to be fully accessible to the disabled, on the basis that hardship grounds had been satisfied.

703 PUBLIC SESSION

704 HACKNEY CARRIAGE TARIFFS

Members received the report of the Head of Service – Legal and Democratic Services in respect of the annual review of the hackney carriage tariffs and licensing fees.

The Licensing Officer provided Members with a summary of the proposal.

Mr Hawksworth and Mr J Cundall were in attendance and Mr Hawksworth felt that if there was just an all day tariff this would eliminate overcharging, which was happening on numerous occasions. He had received a number of complaints from members of the public. He also felt that the cost of fuel and the increase in licence fees need to be taken into consideration when implementing the new tariff.

Members had a full discussion and it was felt that the increase recommended was too high.

Councillor Norton tabled a document which indicated the following proposals:

Daytime Tariff:

£2.50 for the first $\frac{3}{4}$ mile

£1.60 for every mile thereafter

(10p for every other 110 yds)

Waiting Time

£15.00 per hour

Night Time Tariff:

£3.50 for first $\frac{3}{4}$ mile

£1.60 for every mile thereafter

(10p for every other 110 yds)

Waiting Time
£20 per hour

Tariff 5

£3.50 for first 1/2 mile
£2.00 for every mile thereafter

Members felt that they could not make a decision on a tabled document on the day of the meeting. Therefore, it was agreed by Members and also Mr Hawksworth that that matter be deferred for further consideration in order for the hackney carriage drivers to be consulted.

Members considered the increase in licensing fees at 3% and agreed that this was appropriate and in line with recent charges.

RESOLVED:

- (i) That the tariffs be deferred for further consideration;
- (ii) That Hackney Carriage and Private Hire licence fees be deferred to a future meeting of the Licensing Committee for consideration along with the tariffs;
- (iii) That the increase of all other licences for 2006/2007 be increased by 3%.

705

INTRODUCTION OF LICENSING INITIATIVE

Members received the report of the Head of Service – Legal and Democratic Services for the proposed introduction of a Nationally Accredited Scheme

The report was to bring Members up to date as to the proposed introduction of a Nationally Accredited Scheme for promoting responsible trade management and reducing drink-related disorder, which is supported by the Home Office.

The Licensing Officer invited and responded to Members questions and issues.

It was anticipated that the scheme would be launched in Selby in April 2006.

RESOLVED:

That the promotion of the Scheme within Selby District be approved.

706

LICENSING LOCAL AUTHORITY PARKS AND OPEN SPACES FOR CIRCUSES

Members received the report of the Head of Service – Legal and Democratic Services for a Premises Licence by the Circus Arts Forum.

The Licensing Officer informed Members that there would be a fee of £100 for the initial licence and the sum of £70 be made payable on each and every occasion that a performance was held.

The Licensing Officer responded to Members questions regarding various issues.

RESOLVED:

- (I) **That a premises licence is granted to hold circuses on Council's Parks and Open Spaces;**
- (II) **That the licence fee in the sum of £100 for this application is paid and a further £70 is paid for each performance is granted.**

707

GAMBLING ACT 2005 – UPDATE

Members received the report of the Head of Service – Legal and Democratic Services, which was to note the additional licensing functions which would be administered by Selby District Council.

RESOLVED:

That the report be noted.

The meeting closed at 12.27 pm.

AGENDA ITEM NO: 4

LICENSING COMMITTEE

PROCEDURES TO BE FOLLOWED

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
 - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
 - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
 - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
 - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
2. The procedure to be followed by the Licensing Committee:
 - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
 - ii) The District Solicitor will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
 - iii) The Chair will introduce Members of the Committee.
 - iv) The Chair will then go through the procedure as follows:

- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had a fair hearing and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, will then withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Head of Legal Services will write to the applicant informing them of the decision of the Licensing Committee.