

**MISSION STATEMENT**

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

4 August 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, 14 August 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 12 June 2006 (previously circulated).

4. **PROCEDURE**

To outline the procedure to be followed at the meeting (pages 4 to 5 attached).

5. **CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

6. **APPLICATION BY WOLVERHAMPTON AND DUDLEY BREWERIES FOR AN ADDITIONAL GAMING MACHINE AT THE ABBEY VAULTS PUBLIC HOUSE, SELBY** – Report of the Head of Service – Legal and Democratic Services (pages 6 to 11 attached).



M Connor  
Chief Executive  
04 August 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
4 September 2006	21 August 2006
16 October 2006	03 October 2006
1 November 2006	27 October 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:

Tel: 01757 292022  
Fax: 01757 292020  
Email: [tpeam@selby.gov.uk](mailto:tpeam@selby.gov.uk)

# 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.

## AGENDA ITEM NUMBER

### PUBLIC SESSION

**TITLE: APPLICATION BY WOLVERHAMPTON AND DUDLEY BREWERIES FOR AN ADDITIONAL GAMING MACHINE AT THE ABBEY VAULTS PUBLIC HOUSE, SELBY**

**TO: LICENSING COMMITTEE**

**DATE: 14<sup>TH</sup> AUGUST, 2006**

**BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**AUTHOR: TIM GROGAN – LICENSING OFFICER**

1. LINK TO CORPORATE POLICY

To promote community safety.

2. PURPOSE OF THE REPORT

To bring to the attention of this Committee an application for an additional gaming machine.

3. **LINK TO CORPORATE AIMS AND PRIORITIES**

*To work in accordance with Council aims and priorities.*

### RECOMMENDATION

**THAT MEMBERS DECIDE WHETHER OR NOT TO GRANT WOLVERHAMPTON AND DUDLEY BREWERIES A PERMIT TO ALLOW AN INCREASE OF GAMING MACHINES WITHIN THE ABBEY VAULTS PUBLIC HOUSE, SELBY FROM TWO TO THREE.**

4. IMPACT ON CORPORATE POLICIES

4.1 Best Value

Not applicable.

4.2 Equalities

Not applicable.

4.3 Community Safety

Not applicable.

#### 4.4 Procurement

Not applicable.

#### 4.5 Risk Management and Risk Register

Not applicable

#### 4.6 Sustainability

Not applicable

#### 4.7 Gershon Efficiency Savings

Not applicable.

### 5. EXECUTIVE SUMMARY

The Abbey Vaults public House is currently permitted to use two gaming machines. The Licence holder, Wolverhampton and Dudley Breweries plc, have applied to increase this number of machines to three.

### 6. SUPPORTING INFORMATION

6.1 On the 19<sup>th</sup> July, 2006, the Licensing Department received an application from John Gaunt Solicitors on behalf of Wolverhampton and Dudley Breweries to increase the number of gaming machines within the Abbey Vaults public house from two to three.

6.2 The Abbey Vaults public house is currently permitted two gaming machines under Section 34 of the Gaming Act 1968. These machines provide amusement with prizes. The maximum charge permissible for a game is 30p. The machines in question pay out only a combination of cash, gifts/tokens. The maximum payout permissible is £5 in cash or £8 in cash and/or tokens. There are no age restrictions in force for such machines.

6.3 Prior to the 24<sup>th</sup> November 2005, Gaming Machine Permits were issued by Licensing Justices at the Magistrates' Court. Following the introduction of the Licensing Act 2003, this responsibility was transferred to the Local Authority.

6.4 In addressing its new responsibilities under the Act, Selby District Council produced a Licensing Policy. Within this document at section 2.24, the Policy indicates that the Licensing Department will grant permits to licensed premises authorising the use of up to two machines but that any increase will necessitate the applicant attending a hearing before the Licensing Committee.

6.5 Section 2.25 of the Policy, indicates that the Licensing Committee will consider the size and layout of the licensed premises and evidence of usage and further demand in consequence of making their decision.

## 7. FINANCIAL IMPLICATIONS

The Council will receive a fee of £32 for the additional gaming machine if granted.

## 8. BACKGROUND DOCUMENTS

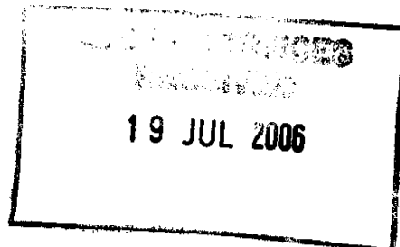
- 8.1 Application from John Gaunt Solicitors on behalf of Wolverhampton and Dudley Breweries.
- 8.2 Section from Licensing Policy relevant to the application
- 8.3 Selby District Council's Licensing Policy is held in the Legal Department.



JOHN GAUNT  
&  
PARTNERS

Our Ref: JP/WDM/15644  
Contact: Jonathan Pupius  
Tel: 0114 266 3400

Licensing Officer  
Selby District Council  
The Civic Centre  
Portholme Road  
Selby  
North Yorkshire  
YO8 4SB



18 July 2006

Dear Sirs

**PREMISES – ABBEY VAULTS, JAMES STREET, SELBY, YO8 4PY**  
**PREMISES LICENSEE: Wolverhampton & Dudley Breweries plc**  
**AWP PERMIT INCREASE - 3 MACHINES**

We act for Wolverhampton & Dudley Breweries plc.

On our client's behalf, we enclose by way of service on you, Notice of Application for an AWP Permit to increase the number of machines from 2 to 3. Attached is our cheque in your favour in the sum of £32.00. Kindly acknowledge safe receipt.

Should you have any queries, please telephone us.

We should be grateful if you would issue the new Permit to us as soon as possible.

Thank you for your assistance.

Yours faithfully

**Jonathan Pupius**  
**John Gaunt & Partners**  
**Email: jpupius@john-gaunt.co.uk**

*Please note that we have discontinued our DX subscription*

Omega Court 372 Cemetery Road Sheffield S11 8FT  
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Web: www.john-gaunt.co.uk www.licensing-reform.co.uk

Partners: John Gaunt Katharine Redford Tim Shield Michelle Hazlewood  
Associates: David Hollis Craig Burman Practice Manager: Susie Glossop

glass the gaunt licence application support service for reform

Solicitors Regulated by the Law Society



INVESTOR IN PEOPLE

**APPLICATION FOR THE GRANT OF A PERMIT FOR THE USE OF AMUSEMENT WITH  
PRIZES MACHINES UNDER THE GAMING ACT 1968 (SECTION 34)  
- FOR USE BY PREMISES LICENSED TO SELL ALCOHOL**

To:  
Selby District Council, The Civic Centre, Portholme Road, Selby,  
North Yorkshire, YO8 4SB



1. Name of Premises: Abbey Vaults .....
2. Address of Premises: James Street, Selby, YO8 4PY.....  
.....
3. Telephone number of Premises: 01757 702857 .....
4. Email address of Premises (where available): N/A .....
5. Name of Premises Licence holder: Wolverhampton & Dudley Breweries plc .....
6. Address of Premises Licence holder: PO Box 26, Park Brewery, Bath Road, Wolverhampton, WV1 4NY..  
.....
7. Telephone number (daytime) of Premises Licence holder (where available):  
c/o John Gaunt & Partners (Solicitors) 0114 266 8664 .....
8. Email address of Premises Licence holder (where available): N/A .....
9. Name, address, telephone and email of agent (e.g. solicitor) if submitted on behalf of applicant: .....  
John Gaunt & Partners Solicitors, Omega Court, 372 Cemetery Road, Sheffield, S11 8FT.....  
.....
10. Premises Licence Reference (i.e. number, where provided): LN/000002895 .....
11. How many gaming machines under Section 34 do you wish to apply for? (See Note 8)  
(Please indicate how many **in total**): 3 .....

I enclose a sum of (£32)



***I confirm that the premises where the machines are proposed to be located are licensed to sell alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises.***

**Please note: Where false information is provided this may affect the validity of the permit and the extent to which it can be relied on as lawful authority for making gaming machines available on the premises.**

**Dated:** 18 July 2006.....

**Signed (by or on behalf of Premises Licence holder):**.....

**Print Name:** John Gaunt & Partners, Solicitors .....

- 2.16 The Council expects to balance the needs of the wider and local communities, businesses against the needs of those who may be adversely affected by the applicant's activities.
- 2.17 Should the Council require to depart from the guidance provided a clear and sound reason for doing so will be published.
- 2.18 The Council may establish a Licensing forum made up of representatives from licensed premises, personal licensees, businesses, residents and other interested parties to meet periodically to discuss matters relating to the Policy.
- 2.19 The Licensing Committee will receive reports from those service departments and committees with responsibility for transport, tourism, the District's economy, cultural strategy and local employment at recognised intervals to ensure that issues can receive appropriate consideration.
- 2.20 The Licensing Committee may provide reports to the Planning Committee regarding Licensed Premises within the District. Such reports may include numbers and types of licensed applications received per ward.
- 2.21 The Licensing Committee will seek to impose only those conditions appropriate when licensing cultural events in order to promote the objectives of the Act.
- 2.22 The Council will monitor the impact of licensing on both regulated entertainment and the sale and supply of alcohol within the community and react accordingly.

#### **GAMING MACHINES**

- 2.23 Permits under Section 34 of the Gaming Act 1968, currently granted by the Licensing Justices for Amusements With Prizes Machines (AWPs) in premises that provide alcohol are now within the remit of the Licensing Act 2003 and therefore the Licensing Committee.
- 2.24 Despite the Gaming Act requiring that all machines be sited within view of the bar, this condition cannot be applied by the Council. The Licensing Committee can merely limit the number of machines. The Council will grant permits authorising up to two machines but any increase will necessitate the applicant attending a hearing.
- 2.25 This hearing will consider the size and layout of the premises and evidence of usage and further demand.