

MISSION STATEMENT

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

03 November 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, 13 November 2006** commencing at **10.00 am**.

The agenda is set out below.

1. **Apologies for Absence and Notice of Substitution**

To receive apologies for absence and notification 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 9 October 2006 (pages 5 to 8 attached)

4. **Procedure**

To outline the procedure to be followed at the meeting (pages 9 to 10 attached).

5. **Chair's Address to the Licensing Committee**

6. **Private Session**

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 1 and 7 of Part 1 of Schedule 12(A) of the Act.

7. **Application for Hackney Carriage Driver's Licence**

Report of the Head of Service – Legal and Democratic Services
(pages 11 to 18)

8. **Complaint about behaviour of Hackney Carriage Drivers**

Report of the Head of Service – Legal and Democratic Services
(pages 19 to 26)



S Martin
Strategic Director
03 November 2006

Disclosure of Interest – Guidance Notes:

- (a) Councillors 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 councillors 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
11 December 2006	23 November 2006
15 January 2007	27 December 2006
12 February 2007	25 January 2007

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 any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals 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 or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Qualifications for Exempt Information:

Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under -

- (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.
9. Information falling within any of the 7 categories listed above is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
 10. Information which;
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 9 October 2006, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

1168	Minutes
1169	Procedure
1170	Chair's Address to the Licensing Committee
1171	Application by Leisure Link for an additional gaming machine at The Griffin Public House, Selby
1172	Gambling Policy
1173	Private Session
1174	Complaint about behaviour of Hackney Carriage Driver

Present: Councillor R Sayner in the Chair

Councillors: Mrs J Ashton, Mrs D Davies, Mrs S Duckett, J McCartney, Mrs K McSherry, D Peart and C Pearson.

Officials: Head of Service – Legal and Democratic Services, Licensing Enforcement Officer and Committee Administrator

Observers: L Roper – Committee Administrator

Also in attendance: Mr S Pashley
Mr S Whitehead

Public: 0
Press: 0

1166 **Apologies for Absence and Substitution**

Apologies were received from Councillors G Croston and Mrs J Dyson.

1167 **Disclosure of Interest**

None.

1168

Minutes

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 4 September 2006 be confirmed as a correct record and be signed by the Chair.

1169

Procedure

The Procedure was noted.

1170

Chair's Address to the Licensing Committee

The Chair addressed councillors following issues raised at today's Committee about the refusal of hackney carriage drivers to take fares. She proposed that a press release be issued informing the trade of the obligations on drivers and the possible consequences of refusing fares.

Councillors suggested that this release should be issued to all hackney carriage drivers and licence holders within the District.

The Chair also informed councillors that a full time enforcement officer post had been agreed at Policy and Resources Committee and the duties of the post would be split between licensing enforcement and planning enforcement.

The Chair suggested that the new officer should be supervised by the Senior Licensing Enforcement Officer.

1171

Application by Leisure Link for an additional gaming machine at The Griffin Public House, Selby

Mr S Pashley from Leisure Link and Mr S Whitehead from the Griffin Public House were in attendance for this item.

Councillors received the report of the Licensing Enforcement Officer in respect of an application for an additional gaming machine to be sited at the Griffin Public House, Selby.

The Licensing Enforcement Officer outlined details of the application. The Griffin Public House was currently permitted to operate three gaming machines and had applied to increase the number to four.

Councillors considered the application and resolved to grant the increase in gaming machines within the Griffin Public House from three to four.

Resolved:

That a permit be issued to increase the gaming machines within the Griffin Public House from three to four.

1172

Gambling Policy

Councillors received the report of the Licensing Enforcement Officer in respect of the Gambling Policy.

In line with Government policy Selby District Council was required to provide a policy with regard to the introduction of the Gambling Act 2005. The policy had been prepared and following consultation was before councillors for approval.

The consultation had been wide and varied and had involved all statutory bodies in addition to other interested parties. The consultation period ran from 12 June 2006 to 12 September 2006.

Resolved:

That the Policy and Resources Committee be asked to approve the Gambling Policy.

1173

Private Session

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, as there will be disclosure of exempt information as defined in paragraph 3 of Part 1 of Section 12A of the Act, as amended by the Local Government (Access to Information) (Variation) Order 2006.

1174

Complaint about behaviour of Hackney Carriage Driver

Councillors received the report of the Licensing Officer in respect of an allegation that a Hackney Carriage Driver refused to convey a wheelchair-bound passenger from the rank in James Street, Selby.

The Licensing Enforcement Officer explained that the details of the offence had previously been provided to the Committee and revealed that the driver had admitted the offence and shown remorse.

The hackney carriage driver apologised for his actions stating that it was a one-off occasion and would not happen again.

The councillors then considered the case and after a debate resolved to give the driver a written warning advising him as to his future conduct.

Resolved:

That, although the Committee had the power to suspend or revoke the Licence, a written warning be issued to the driver in relation to the offence.

The meeting closed at 11.05 am.

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.