

Mission Statement

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

22 May 2007

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, 4 June 2007** 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 23 April 2007 (previously circulated).

4. Procedure

To outline the procedure to be followed at the meeting (pages 5 to 6 attached).

5. Chair's Address to the Licensing Committee

6. Gambling Act 2005 – Setting of Fees

Report of the Head of Service – Legal and Democratic Services
(pages 7 to 15 attached).

7. 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 paragraph 3 of Part 1 of Schedule 12(A) of the Act.

8. Application for Hackney Carriage Driver's Licence

Report of the Head of Service – Legal and Democratic Services
(pages 16 to 18 attached).

9. Application for a Hackney Carriage Licence

Report of the Head of Service – Legal and Democratic Services
(pages 19 to 21 attached).

10. Consideration of Fitness of Licensed Private Hire Driver to operate on behalf of Selby District Council

Report of the Head of Service – Legal and Democratic Services
(pages 22 to 29 attached).

11. Application for a Hackney Carriage Licence

Report of the Head of Service – Legal and Democratic Services
(pages 30 to 36 attached).

12. Application for a Private Hire Driver's Licence

Report of the Head of Service – Legal and Democratic Services
(pages 37 to 42 attached).



M Connor
Chief Executive
22 May 2007

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 of Meeting	Deadline Date	Distribution Date
9 July 2007	21 June 2007	29 June 2007
6 August 2007	19 July 2007	27 July 2007

Membership of the Licensing Committee 10 Members

Conservative	Labour	Independent
J Dyson	D Davies	J McCartney
K McSherry	S Duckett	
C Pearson (Vice-Chair)		
S Ryder		
R Sayner (Chair)		
A Spetch		
D White		

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

Tel: 01757 292022
Fax: 01757 292020
Email: tpeam@selby.gov.uk

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.

LICENSING COMMITTEE

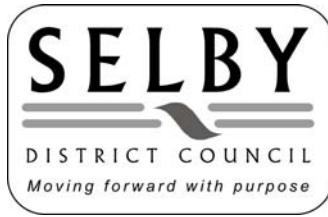
PROCEDURES TO BE FOLLOWED

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 Councillors 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 Head of Service – Legal and Democratic Service will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
 - iii) The Chair will introduce Councillors 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 Service – Legal and Democratic Services will write to the applicant informing them of the decision of the Licensing Committee.



Agenda Item No: 6

Title: Gambling Act 2005 – Setting of Fees
To: Licensing Committee
Date: 4 June 2007
Service Area: Legal and Democratic Services
Author: Mike Rice, Head of Service – Legal and Democratic Services

1 Purpose of Report

1.1 To request Councillors to consider and recommend the fees for applications under the Gambling Act 2005.

2 Recommendation(s)

- 2.1
1. The report be received.
 2. Councillors consider the level of fees recommended in Annex A and make appropriate recommendations to Council.
 3. The fee for fast track conversion applications be set at £300.
 4. That Council be requested to delegate the setting of fees under the Gambling Act 2005 to the Licensing Committee.

3 Executive Summary

- 3.1 Under the provisions of section 154(2)(b) of The Gambling Act 2005 the Council, as licensing authority, has the discretion to delegate the decision on the setting of fees to the Licensing Committee.
- 3.2 The report advises Councillors of the powers available under the Gambling Act and associated regulations to set fees.

4 The Report

- 4.1 Section 154 of the Gambling Act 2005 provides that all decisions relating to premises licences are delegated to the Licensing Committee except:
- A resolution not to issue casino licences, which must be taken by the whole authority;
 - Functions in relation to the three-year licensing policy, which must be taken by the whole authority; and
 - Setting fees (to the extent that a licensing authority has delegated power in relation to fees). The Council can delegate decisions to the Licensing Committee, but there is no automatic delegation, so each Council must decide its approach to setting fees.
- 4.2 The Gambling (Premises Licence Fees) (England and Wales) Regulations have now been published and come into force on 21 May 2007, the same date that applications for premises licences may be made to the Council as Licensing Authority. The regulations make provision about application, annual and other fees relating to premises licences issued under Part 8 of the Gambling Act 2005.
- 4.3 The Regulations provide that the following types of fees are to be determined by licensing authorities:
- Licence application fee
 - First annual fee
 - Annual fee
 - Notification of a change of circumstance fee
 - Application to vary a licence fee
 - Application to transfer a licence fee
 - Fee for a copy of a licence
 - Application for reinstatement of a licence fee
 - Provisional statement application fee

In each case, the fee determined by a licensing authority must not exceed a maximum fee specified in the relevant regulation or in the table of maximum fees in the schedule.

Section 212 of the Act requires that the income from fees as near as possible equates to the costs of providing the service to which the fee relates.

For the Council this means that the service should be cost neutral. In determining application and other fees the Council must ensure that these are limited to recovery of the costs of carrying out their functions under the Act.

Officers have calculated the proposed fees based on the advice from LACORS (Local Authority Co-ordinators of Regulatory Services) and for comparison purposes, the level of suggested fees are shown emboldened on the Schedule of maximum fees in Annex B. For the sake of clarity the proposed Schedule of fees requiring adoption is available in Annex A. Licensing authorities are required to review their fees on an annual basis.

- 4.4 The Regulations allow for conversion applications, which can be fast-track or non fast-track. In the case of fast-track applications the applicant will be subject to mandatory and default conditions. The Regulations state that the maximum fee for this type of application shall not exceed £300. It is proposed that this is the fee adopted for this type of application. In the case of a conversion, non fast-track application, the applicant will be subject to mandatory conditions but can apply to alter some of the default conditions. As can be seen from the Schedule in Annex A the amount specified in column 2 is considerably more for this type of application than the fast track. From the consultation with potential applicants it is anticipated most if not all will be making a fast-track application.
- 4.5 All premises licences will be subject to an annual fee. The proposed fees are detailed in column 5 of the Schedule in Annex A. Where a licence comes into effect on the issue date, the first annual fee shall be paid within 30 days after that date.
- 4.6 The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007 require the licensing authority to set fees for the granting of premises licences. The Council has to have in place a fee structure for the receipt of applications on 21 May 2007. The proposed fees have been calculated in accordance with guidance from LACORS and will be subject to annual review.

5 Financial Implications

- 5.1 The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007 set the maximum fee payable for each category of gambling premises licences and allow licensing authorities to determine their own fees, on a cost recovery basis. This means the service should be cost neutral. Licensing authorities will have to review their fees annually to ensure that the income from the premises licence fees in any one accounting period (i.e. in any full year) does not exceed the full costs incurred by the authority in carrying out the relevant functions.
- 5.2 Based on the numbers of premises in the district likely to come under the provisions of the Act, it is estimated that in 2007/08 income will be £3,100.

It is considered that the Council's costs will not exceed that income.

6 Conclusions

- 6.1 The Gambling Act 2005 imposes new statutory duties on the Council. It is important that the Council has a fee structure in place prior to the first applications being received.

7 Link to Corporate Plan

- 7.1 Addresses the Strategic Themes of putting customers first and community safety.

8 How Does This Report Link to the Council's Priorities?

- 8.1 Safer and Stronger Communities

9 Impact on Corporate Policies

9.1	Service Improvement Will facilitate the work of the Licensing section.	Impact
9.2	Equalities Will establish a fair licensing fees system.	Impact
9.3	Community Safety and Crime Will help to ensure compliance with the Gambling Act 2005.	Impact
9.4	Procurement	No Impact
9.5	Risk Management Will ensure compliance with government guidelines.	Impact
9.6	Sustainability	No Impact
9.7	Value for Money Will enable the Council to recover the costs of administering its obligations under the Act.	Impact

10 Background Papers

10.1 The Gambling Act 2005. HMSO

The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007. HMSO

Gambling Commission. **Gambling Commission Guidance to Licensing Authorities.** 28 April 2006

ANNEX A

SCHEDULE

Table of proposed fees for adoption

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>	<i>Column (6)</i>	<i>Column (7)</i>	<i>Column (8)</i>	<i>Column (9)</i>
<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000

Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£1,000	£300	£1,000	£950	£950	£1,000
Betting premises (other) licence	£1,000	£1,000	£1,000	£300	£1,000	£1,000	£1,000	£1,000

ANNEX B

SCHEDULE

Table of maximum fees

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>	<i>Column (6)</i>	<i>Column (7)</i>	<i>Column (8)</i>	<i>Column (9)</i>
<i>Classes of premises licence</i>	<i>Maximum conversion application fee for non-fast track application</i>	<i>Maximum non-conversion application fee in respect of provisional statement premises</i>	<i>Maximum non-conversion application fee in respect of other premises</i>	<i>Maximum annual fee</i>	<i>Maximum fee for application to vary licence</i>	<i>Maximum fee for application to transfer a licence</i>	<i>Maximum fee for application for reinstatement of a licence</i>	<i>Maximum fee for application for provisional statement</i>
Regional casino premises licence		£8,000	£15,000	£15,000	£7,500	£6,500	£6,500	£15,000
Large casino premises licence		£5,000	£10,000	£10,000	£5,000	£2,150	£2,150	£10,000
Small casino premises licence		£3,000	£8,000	£5,000	£4,000	£1,800	£1,800	£8,000

Converted casino premises licence	£2,000			£3,000	£2,000	£1,350	£1,350	
Bingo premises licence	£1,750	£1,200	£3,500	£1,000	£1,750	£1,200	£1,200	£3,500
Adult gaming centre premises licence	£1,000	£1,200	£2,000	£1,000	£1,000	£1,200	£1,200	£2,000
Betting premises (track) licence	£1,250	£950	£2,500	£1,000	£1,250	£950	£950	£2,500
Family entertainment centre premises licence	£1,000	£950	£2,000 (£1,000)	£750 (£300)	£1,000	£950	£950	£2,000 (£1,000)
Betting premises (other) licence	£1,500 (£1,000)	£1,200 (£1,000)	£3,000 (£1,000)	£600 (£300)	£1,500 (£1,000)	£1,200 (£1,000)	£1,200 (£1,000)	£3,000 (£1,000)

N.B. Proposed fees emboldened in brackets