

## SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 1 December 2008, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10:00 am.

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Present: Councillor R Sayner in the Chair

Councillors: Mrs D Davies, Mrs J Dyson, Mrs S Duckett, J McCartney, C Pearson, Mrs S Ryder, Mrs A Spetch and Mrs D White.

Officials: Senior Solicitor, Licensing Enforcement Officer and Committee Administrator

Public: 0

Press: 0

### 468 **Apologies for Absence and Substitution**

Apologies were received from Councillor Mrs K McSherry.

### 469 **Disclosure of Interest**

None.

### 470 **Minutes**

#### **Resolved:**

**That the minutes of the proceedings of the meeting of the Licensing Committee held on 27 October 2008 subject to the substitution of the words "a condition be added" instead of "the Licensing Policy be amended" to part (iii) of the resolution in Minute 397 be approved as a correct record and signed by the Chairman.**

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## **Procedure**

The Procedure was noted.

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## **Chair's Address to the Licensing Committee**

The Chair informed councillors that she would be taking up with issue of further Licensing Training for Committee Members with the HR Manager as she had hoped that the training would have taken place in September or October of 2008.

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## **Guidelines for Assessing Financial Hardship**

Councillors received the guidelines for assessing financial hardship from the Head of Service – Legal and Democratic Services in the light of a recent case in York Crown Court where an applicant appealed against this Committee's decision to refuse to licence a vehicle not accessible to the disabled. As part of that appeal, Counsel for the District Council advised that the Council's guidelines be amended as follows:

Point 1:

"The starting point is the full financial position of the applicant. This includes assets held by the applicant and any he may have access to which may be held by another. Documentary evidence of the full financial position is advisable and the burden of proving hardship is on the applicant. The committee expect income and expenditure for at least the last two years preferably produced by the individuals accountant. In looking at an applicants liabilities, expenses and debts those associated with the business will be given priority to other personal debts. Although personal debts might be relevant they should be given much less weight than commitments associated with the business".

Councillors felt that the word "advisable" in the sentence above be changed to "necessary".

**Resolved:**

**That the two additional sentences with the word "advisable" being changed to "necessary" be added to point 1 of the Guidelines for Licensing Committee to consider when assessing financial hardship as agreed with Counsel.**

The meeting closed at 10:35 am.