

Mission Statement

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

27 March 2009

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 6 April 2009** 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 Section 117 of the Local Government Act 1972, and Sections 50, 52 and 81 of the Local Government Act 2000 and the Members' Code of Conduct adopted by the Council.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 9 March 2009 (pages 5 to 6 attached)

4. Licensing Sub-Committee

To receive the minutes of the Licensing Sub-Committee held on 27 February 2009 (pages 7 to 10 attached)

5. Procedure

To outline the procedure to be followed at the meeting (pages 11 to 12 attached).

6. Chair's Address to the Licensing Committee

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. Complaint about Behaviour of Licensed Private Hire Driver

Report of the Interim Head of Service – Legal and Democratic Services

S Martin
Strategic Director
27 March 2009

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
11 May 2009	20 April 2009	29 April 2009

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:

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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.

Agenda Item No: 3

SELBY DISTRICT COUNCIL

Minutes of the proceedings of a meeting of the Licensing Committee held on 9 March 2009, in Committee Room 2, The Civic Centre, Portholme Road, Selby, commencing at 10.00 am.

680	Minutes
681	Procedure
682	Chair's Address to the Licensing Committee
683	Private Session
684	Complaint about Behaviour of Licensed Hackney Carriage Driver

Present: Councillor R Sayner in the Chair

Councillors: Mrs D Davies, Mrs J Dyson, Mrs S Duckett, J McCartney, Mrs P Mackay (for C Pearson), Mrs K McSherry, Mrs S Ryder, Mrs A Spetch and Mrs D White.

Officials: Senior Solicitor, Trainee Solicitor, Licensing Enforcement Officer and Committee Administrator

Public: 0

Press: 0

678 **Apologies for Absence and Substitution**

Apologies were received from Councillor C Pearson.

Substitute Councillor was Mrs P Mackay.

679 **Disclosure of Interest**

None

680 **Minutes**

Resolved:

That the minutes of the proceedings of the meeting of the Licensing Committee held on 9 February 2009 be confirmed as a correct record and be signed by the Chair.

681 **Procedure**

The Procedure was noted.

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

The Chair gave no address to the Committee.

683 **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.

684 **Complaint about Behaviour of Licensed Hackney Carriage Driver**

The applicant informed the Committee that he would not be speaking nor would his witness who was also in attendance.

Councillors received the report of the Licensing Enforcement Officer in respect of the conduct of the applicant, in connection with the unnecessary use of his vehicle to broadcast animal noises, which caused nuisance to residents in a built up area of Selby.

The Licensing Enforcement Officer outlined details of the case and also handed to councillors an email that had been received in connection with the case. The Licensing Enforcement Officer responded to questions raised from Councillors.

The applicant announced that he did not believe that residents could have been disturbed and produced his mobile telephone and "hands free" kit for examination. The applicant was asked to use his mobile telephone to broadcast the animal noises.

The Committee deliberated over their decision and after the contents of the applicants personal file were revealed it was agreed that he be issued with a written warning.

Resolved:

That the Hackney Carriage Driver be given a written warning informing him of his future conduct and that the warning would remain on his file. If any further complaints were made then the Committee would look at revoking his licence.

The meeting closed at 9.50 am.

Agenda Item No: 4

A record of the meeting of the Licensing
Sub-Committee in the Council Chamber,
Selby District Council, Civic Centre,
Portholme Road, Selby on
Friday 27 February 2009 at 10:00 am

PRESENT:

Councillor Kay McSherry
Councillor Ruth Sayner
Councillor Debbie White

OFFICERS:

Jamie Hollis - Solicitor
Tim Grogan - Licensing Enforcement Officer
Tracey Peam - Committee Administrator

ON BEHALF OF THE APPLICANT:

Reverend Susan Sheriff

REPRESENTORS:

Responsible Authority

Dean Richardson - Principal Environmental Health Officer - Commercial

Interested Parties

Mr Smith - 5 Churchyard, Tadcaster
Mr Edmondson - 6 Churchyard, Tadcaster

1. ELECTION OF CHAIRMAN

It was resolved:

That Councillor Sayner be elected as Chairman for the duration of this Licensing Sub-Committee.

2. INTRODUCTIONS

The Chairman introduced herself and the other Members of the Licensing Sub-Committee.

For the benefit of all present, the Clerk summarised the Hearings Procedure, as appended to the agenda, and said that each category of participant was entitled to 5 minutes in which to explain their case.

3. APPLICATION FOR A PREMISES LICENCE FOR BOY'S SUNDAY SCHOOL, CHURCHYARD, TADCSTER

In attendance and entitled to speak on this application were:

Reverend S Sheriff representing the applicant, Mr D Richardson (Environmental Health Services), Mr Smith and Mr Edmondson as objectors.

Tim Grogan (Licensing Officer) gave a summary of his report. He advised that the application was for a Premises Licence as set out in the summary of the report.

The terms of the application are for the licence to authorise:

The provision of: regulated entertainment in the form of plays, films, indoor sporting events, boxing or wrestling, live music, recorded music, performance of dance and anything of a similar description to the latter forms of regulated entertainment; entertainment facilities in the form of making music, dancing and entertainment of a similar description to those entertainment facilities; late night refreshment and sale by retail of alcohol from:

(a) Monday to Sunday (inclusive) between 09:00 – 23:00 hours.

The Licensing Officer outlined the decision options for the committee and the options for appeals.

In addition, the Licensing Officer provided a response to the proposed conditions provided by the Interested Parties.

The Reverend Sheriff (representing the applicant) advised the committee that all the Trustees of the Church wanted to do, was to legalise the procedures that were already in place, for example School Concerts which could supply cheese and wine, Christmas Carol Evening with mulled wine instead of having to apply for a special licence to hold such events.

The Reverend wanted to reassure the objectors that there would be very few 18th or 21st Birthday Parties being held on the premises and that the sale of alcohol at the events mentioned above would not create problems for the residents living in the vicinity of the premises. If any birthday party bookings were taken then they would be treated individually and on their own merits.

She also reiterated that a Designated Premises Supervisor (DPS) would be informed of all events taking place in the premises and it

would be the responsibility of the DPS to take any action necessary if any disturbance was caused.

Mr Richardson, the Principal Environmental Health Officer – Commercial advised the committee that the premises licence would not be objected to provided the following conditions are imposed on the licence:

1. Noise from amplified and non-amplified music, singing and speech arising from regulated entertainment at the premises shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.
2. No external doors and windows to the room/s where regulated entertainment is being provided shall be open during the course of the entertainment, other than for normal access and egress.
3. Amplified and non-amplified music, singing and speech associated with the regulated entertainment shall only be carried out inside the premises except with the prior written approval of the Licensing Authority.
4. Speakers used to relay amplified music, singing and speech provided as part of the regulated entertainment shall not be positioned outside the premises, where placed internally ensure that they are directed away from external doors and windows.
5. The area around the premises shall be routinely cleared of litter and waste when the premises have been open to the public.
6. Prominent, clear notices shall be displayed requesting people using the premises to respect of needs of local residents and leaves the premises and area quietly.

Mr Smith (Interested Party) informed the committee of his concerns that the premises would be able to sell retail alcohol if the licence was granted. Another issue he raised was where would members of the public attending any event at the premises go to smoke. He was against the grant of a Premises Licence.

Mr Edmondson (Interested Party) felt reassured after hearing from the Reverend Sheriff that there would be no bar facilities and that birthday parties would be looked at on an individual basis and that there would be no 18th or 21st parties held.

Mr Edmondson's main concern was the repeat of an incident that took place over a year ago when young teenagers who had been drinking alcohol had tried to gatecrash a party held on the premises, which led to fighting and the police being called.

After both the representative for the applicant and the objectors had confirmed that they had received a fair hearing the Licensing Sub-Committee adjourned to debate their decision.

Resolved:

That the premises licence for the Boy's Sunday School be granted, subject to the following six conditions being attached to the licence:

The provision of: regulated entertainment in the form of plays, films, indoor sporting events, boxing or wrestling, live music, recorded music, performance of dance and anything of a similar description to the latter forms of regulated entertainment; entertainment facilities in the form of making music, dancing and entertainment of a similar description to those entertainment facilities; late night refreshment and sale by retail of alcohol from:
(a) Monday to Sunday (inclusive) between 09:00 – 23:00 hours.

- 1. Noise from amplified and non-amplified music, signing and speech arising from regulated entertainment at the premises shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.**
- 2. No external doors and windows to the room/s where regulated entertainment is being provided shall be open during the course of the entertainment, other than for normal access and egress.**
- 3. Amplified and non-amplified music, singing and speech associated with the regulated entertainment shall only be carried out inside the premises expect with the prior written approval of the Licensing Authority.**
- 4. Speakers used to relay amplified music, singing and speech provided as part of the regulated entertainment shall not be positioned outside the premises, where placed internally ensure that they are directed away from external doors and windows.**
- 5. The area around the premises shall be routinely cleared of litter and waste when the premises have been open to the public.**
- 6. Prominent, clear notices shall be displayed requesting people using the premises to respect of needs of local residents and leaves the premises and area quietly.**

The meeting closed at 11:53 am.

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.