



Meeting: **LICENSING COMMITTEE**  
Date: **MONDAY 3 SEPTEMBER 2012**  
Time: **10.00 AM**  
Venue: **COMMITTEE ROOM**  
To: **Councillor Mrs S Duckett, Councillor K Ellis (Vice Chair),  
Councillor Mrs P Mackay, Councillor Mrs C Mackman,  
Councillor Marshall, Councillor Mrs K McSherry, Councillor  
Mrs S Ryder, Councillor Sayner (Chair), Councillor R  
Sweeting and Councillor J Thurlow**

## Agenda

1. **Apologies for absence**
2. **Disclosures of Interest**

Members of the Licensing Committee should disclose personal or prejudicial interest(s) in any item on this agenda.

3. **Minutes**

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 14 May 2012 and Licensing Hearing held on 10 August 2012 (pages 03 to 09 attached).

4. **Procedure**

To outline the procedure to be followed at the meeting (pages 10 to 11 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 item as there will be disclosure of exempt information as defined in Section 100(1) of the Act as described in paragraph 7 of Part 1 of Schedule 12(A) of the Act.**

**7. Application for a Hackney Carriage Licence**

To receive the report of the Senior Enforcement Officer L/12/01 (pages 12 to 21)

**8. Application for Exemption from Assisting Passengers in Wheelchairs on Medical Grounds**

To receive the report of the Senior Enforcement Officer L/12/02 (pages 22 to 31)

**9. Issue concerning the behaviour of a Licensed Hackney Carriage Driver**

To receive the report of the Senior Enforcement Officer L/12/03 (pages 32 to 36)

Martin Connor  
Chief Executive

<b>Dates of next meetings</b>
1 October 2012
5 November 2012
3 December 2012
7 January 2013
4 February 2013
4 March 2013
8 April 2013
13 May 2013

Enquiries relating to this agenda, please contact Palbinder Mann on:  
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## Minutes

### Licensing Committee

Venue:	Committee Room
Date:	14 May 2012
Present:	Councillors R Sayner, Mrs S Duckett, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sweeting, K Ellis and Mrs P Mackay, Mr D Peart (substitute for Mrs C Mackman) and J Thurlow.
Apologies for Absence:	Mrs C Mackman (substitute Mr D Peart)
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Licensing Enforcement Officer, Glenn Shelley – Democratic Services Manager, Nick Abbott – Democratic Services Officer

#### **87. DECLARATIONS OF INTEREST**

None.

#### **88. MINUTES**

The Committees attention was drawn to resolution in the minutes requesting an urgent review of the current procedure for issuing of licence plates.

#### **Resolved:**

**To receive and approve the minutes of the Licensing Committee held on 16 April 2012 and they are signed by the Chair.**

#### **89. PROCEDURE**

The Procedure was noted.

#### **90. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE**

The Chair addressed the Committee and explained that the Senior Enforcement Officer will bring a report to the Licensing Committee regarding the legislation on emissions from vehicles used as Private Hire Taxis and Hackney Carriages.

The Chair also explained she had discussed the need for an urgent review of the procedure for the issuing of license plates with the relevant Officers and this review will be taking place in due course. Once the review is completed a report will be made to the Committee by the Officers concerned.

## **91. 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.**

## **92. APPLICATION FOR EXEMPTION FROM ASSISTING DISABLED PASSENGERS BY HACKNEY CARRIAGE DRIVER**

The Senior Enforcement Officer presented the **Report L/11/31** which considered whether an application for an exemption from assisting disabled passengers by a Hackney Carriage driver should be granted. The applicant was in attendance.

Councillors were given the opportunity to question the applicant in connection with their application. The Committee then discussed the matter and considered their decision on whether the exemption should be granted.

### **RESOLVED:**

- i) To receive and note Report L/11/31**
- ii) To APPROVE the application for exemption from assisting disabled passengers.**

The meeting closed at 10.28 am

## Minutes

### Licensing Hearing

Venue:	Council Chamber
Date:	10 August 2012
Present:	Councillors K Ellis, Mrs C Mackman and R Sayner (Chair).
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan – Senior Enforcement Officer, and Palbinder Mann – Democratic Services Officer

#### **APPLICANT:**

North Yorkshire Police Authority – Inspector Michelle Falkingham, Sergeant Andrew Walker, PC Mick Wilkinson and Jane Wintermire, Solicitor, North Yorkshire Police Authority.

#### **PREMISES:**

New Inn Public House, 4 Gowthorpe, Selby, YO8 4ET - Mr Stephen Dyson, Designated Premises Supervisor, Mr David Rowland, Business Development Manager, Punch Taverns and Mr John Coen, Solicitor acting for Punch Taverns and Mr Stephen Dyson.

#### **REPRESENTORS:**

##### **Responsible Authorities**

Environmental Services – Elizabeth Lloyd, Environmental Health Officer, Selby District Council.

Trading Standards – Greg Chapman, North Yorkshire Trading Standards

#### **INTERESTED PARTIES**

Mrs Beverley Byrne, representing residents of Robert Street, Selby.  
Mr Martin Wiles, representing NFU Mutual on Finkle Street, Selby.

## **INTRODUCTIONS**

Members and everyone present introduced themselves.

### **1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **2. DISCLOSURES OF INTEREST**

There were no declarations of interest.

### **3. APPLICATION FOR A REVIEW OF PREMISES LICENCE – New Inn Public House, Selby**

The Sub-Committee considered an application from the North Yorkshire Police Authority for a review of the licence in respect of the New Inn, Selby. Representations were also received subsequently from Trading Standards and Environmental Health as responsible authorities. Five representations were received from Interest Parties.

With the agreement of the Sub Committee, the hearing was adjourned for 40 minutes to enable the police representative and the licence holder's representative to conclude discussions over the conditions.

The Police asked permission to include evidence of a letter. The introduction of this evidence was challenged by the Premise Licence Holder and the evidence was rejected as it was not received within the specified period.

The Senior Enforcement Officer presented the report. He advised that the application was for a review of a Premises Licence that sought the determination of the Licensing Sub-Committee where relevant representations had been received from Environment Health, the Police and residents.

The Sub-Committee heard representations from the Police, Environmental Health, Trading Standards, Interested Parties and the representative for the Premise Licence holder. It was noted that as well as the Police, the other Responsible Authorities had also submitted additional conditions for inclusion in the Premises Licence.

The Police explained the additional conditions they were seeking. It was explained that the additional conditions put forward by the Police were designed to deal with the areas of concern highlighted in the review application.

The Environmental Health officer confirmed that there was no suggestion the existing conditions had not been complied with, but had received infrequent complaints relating to noise. The additional conditions put forward were agreeable to the Premise Licence holder with the exception of condition two.

The Trading Standards officer confirmed that no test purchases had been carried out and their proposed conditions were made following the concerns raised by the police.

Representations were also made by Interested Parties in relation to noise from music and a generator and waste from the premises.

The Premises Licence holder's representative explained that Mr Dyson ran four licensed premises within the district and had been the Designated Premises Supervisor at the New Inn for the last seven years. The Sub Committee were informed that Mr Dyson had been incurring the expense of employing door staff at the premises when he was under no obligation to do so. The representative drew attention to schedule of incidents and that many of the incidents showed good practice and were not against the licensing principles and others were not on the premises. Attention was also drawn that there was no suggestion that existing conditions relating to noise had been breached and that there was only one complainant in relation to the generator. The representative confirmed that they had sought to work with the police to compromise on the conditions and there only remained a couple of points in dispute.

Members of the Sub-Committee and the parties present asked questions and received replies.

The Chair confirmed with all parties that they had had a fair hearing.

The members of the Sub-Committee retired together with the Democratic Services Officer and Legal Adviser to consider the application for review and the representations and proposals that had been made.

#### **RESOLVED:**

**That, in view of the serious nature of the incident leading to the Review and other incidents of assault on the premises, the concerns over underage customers, and noise from the premises, the Sub-Committee agreed to impose the following conditions to overcome the concerns:**

- i) A colour digital CCTV system will be installed to cover the premises and recorded coverage will include all areas to where public have access to consume alcohol.**
- ii) It will be maintained, working and recording at all times when the premises are open.**
- iii) The recordings should be of good evidential quality to be produced in Court or other such hearing.**
- iv) Copies of the recording will be kept available for any Responsible Authority for 28 days.**

- v) **Copies of the recordings shall be made available to any Responsible Authority within 24 hours of request.**
- vi) **Copies of the recordings will display the correct time and date of the recording.**
- vii) **Four SIA Door Supervisors shall be used at the venue from 2200hrs until close of business on the following occasions:-**
  - i) **on Thursday, Friday and Saturday**
  - ii) **all evenings immediately preceding a Bank Holiday.**
- viii) **Two of the above Door Supervisors shall be positioned on the main Gowthorpe entrance.**
- ix) **Two of the above Door Supervisors shall be positioned at the entrance to the rear bar (currently referred to as Main Street).**
- x) **If the rear bar (currently referred to as Main Street) is not open to the public then only two Door Supervisors need to be deployed.**
- xi) **All Door Supervisors shall display their SIA licence in a high visibility armband when working.**
- xii) **The venue shall actively partake in the Nighttime Economy radio system.**
- xiii) **Documented staff training will be given regarding staff's obligation under the Licensing Act for the retail sale of alcohol; the condition attached to the Premises Licence; and the Opening Times of the venue.**
- xiv) **Such training (condition 13) will be refreshed and the documented records shall be kept for at least one year.**
- xv) **Such documented records (condition 13) shall be made available immediately upon request from any Responsible Authority.**
- xvi) **An Incident Report Register will be kept and made available immediately upon a reasonable request from any Responsible Authority.**
- xvii) **The Incident Report Register shall be kept for one year.**
- xviii) **All OFF SALES shall be made in sealed containers save for those drinks to be consumed on the external parts of the premises.**
- xix) **Customers will not be allowed to enter or leave the premises with drinking glasses or bottles of any type except if moving between**



**the main (front) bar area and the rear bar area (currently referred to as Main Street).**

- xx) There shall be no static consumption of alcohol and/or congregation of customers in the passage way that runs directly along the side of the bar areas (i.e. the passage way that gives access to the rear bar).**
- xxi) The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.**
- xxii) A Challenge 21 policy shall be adopted.**
- xxiii) All refusals shall be noted in a book which shall be made available upon request from any Responsible Authority.**
- xxiv) All windows shall be kept closed during regulated entertainment.**
- xxv) A landline number for the premises shall be made available to residents living in the vicinity of the premises upon request.**

#### **REASON FOR DECISION**

To promote the following licensing objectives:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

The meeting closed at 4.40pm.

## **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, press and public, will then be asked to 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, press and public, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Committee Section will inform in writing to the applicant the decision of the Licensing Committee.