



Agenda

Meeting: **LICENSING COMMITTEE**
Date: **1 OCTOBER 2012**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillor Mrs S Duckett, Councillor K Ellis, Councillor Mrs P Mackay, Councillor Mrs C Mackman, Councillor Marshall, Councillor Mrs K McSherry, Councillor Mrs S Ryder, Councillor Sayner, Councillor R Sweeting and Councillor J Thurlow**

1. Apologies for absence

2. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

3. Minutes

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Hearing held on 31 August 2012 and Licensing Committee held on 3 September 2012 (pages 3 to 10 attached).

4. Procedure

To outline the procedure to be followed at the meeting (Pages 11 to 12)

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 Exemption from Assisting Passengers in Wheelchairs on Medical Grounds

To receive the report of the Senior Enforcement Officer L/12/04 (pages 13 to 20)

8. Issue concerning the behaviour of a Licensed Private Hire Driver

To receive the report of the Senior Enforcement Officer L/12/05 (pages 21 to 32)

**Martin Connor
Chief Executive**

Dates of next meetings
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:
Tel: 01757 292207, Email: pmann@selby.gov.uk

Minutes

Licensing Hearing

Venue:	Committee Room
Date:	31 August 2012
Present:	Councillors Mrs P Mackay, R Sayner (Chair) and J Thurlow.
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer.

APPLICANT:

Stewart Gibson, Agent for Applicant – Squires Café Bar Limited.

REPRESENTORS:

Responsible Authorities

Environmental Services – Wayne Palmer, Lead Officer, Environmental Health and Housing, Selby District Council.

North Yorkshire Police Authority – PC Mick Wilkinson

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 VARIATION OF PREMISES LICENCE – Squires Café Bar, Newthorpe, Selby

The Sub-Committee considered an application from Squires Café Bar Limited, Newthorpe, Selby for a variation of a premises licence.

The Senior Licensing Officer informed the Committee that the applicant had accepted all of the proposed conditions from Environmental Health and the majority of the conditions from the Police however there would be an amendment to one of the conditions relating to Door Supervisors which would state that there would be one Door Supervisor per 100 customers when there were more than 500 customers at the venue. A copy of the proposed conditions and a map of the venue was circulated to Members.

Members of the Sub-Committee 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.

RESOLVED:

That the application be APPROVED subject to the below conditions:

Environmental Health

- i) Noise from amplified and non amplified music, singing and speech from regulated entertainment at the premises between the hours of 23:00 to 07:00 shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.**
- ii) No external doors and windows to the room(s) where regulated entertainment is being provided shall be open during the course of entertainment, other than for normal access and egress with the exception of the single Annual Event.**
- iii) Amplified and non amplified music, singing and speech associated with the regulated entertainment shall be only be carried out inside the premises except with the prior written approval of the Licensing Authority. Speakers used to relay amplified music, singing and speech provided as part of the regulated entertainment shall not be positioned outside the premises with the exception of the single Annual Event.**
- iv) All external areas of the premises (beer gardens, patios, etc) must not be used by customers between the hours of 23:00 and 07:00 with the exception of the single Annual Event.**
- v) 56 days notice of the Annual Event must be given to the Licensing Authority, Police Authority and residential properties within the vicinity of the premises.**

Police - Day to Day Normal Operation

- i) CCTV will ne installed to cover the premises and will include all areas to where the public can purchase 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 31 days.**
- v) Copies of the recordings shall be made available to any Responsible Authority within 48 hours of request.**
- vi) Copies of the recordings will display the correct time and date of the recording.**
- vii) All off sales shall be made in sealed containers (save for consumption within the main complex).**
- viii) Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the Premises Licence; and the opening times of the venue.**
- ix) Such recorded (referred to in Condition 8) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.**
- x) A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.**
- xi) Both documents (referred to in Condition 10) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any Responsible Authority.**
- xii) Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.**
- xiii) The only acceptable proof of age identification shall be a current Passport, photocard Driving Licence or identification carrying the PASS logo.**
- xiv) Once the venue's capacity goes beyond 500 customers after 2400hrs, door staff will be provided at a rate of 1 per 100**

customers plus one additional Door Supervisor on the following evenings:

- Friday and Saturday evenings.
- the evening before any Bank Holiday

Police - The Once per Annum Event

- i) A capacity figure of 1800 patrons shall apply so as to ensure the Licensing Objectives *'the prevention of crime and disorder'* is not undermined.
- ii) Members of the public shall not be bring their own alcohol into the event.
- iii) All off sales shall be in sealed containers.
- iv) The licensed area shall be fully enclosed.
- v) An Event Management Plan shall be submitted to the Police, Environmental Protection Unit and the local Safety Advisory Group at least 8 full weeks prior to the event.
- vi) The Event Management Plan shall contain the following:
 - Proposals for staff deployment/defined duties and responsibilities/numbers of staff working the event.
 - Numbers and identification of Stewards/SIA Door Staff.
 - Demographics of proposed attendees.
 - Details of the reporting procedures for any issues.
 - A Traffic Management Plan.
 - Details of the Safety Officer and how he/she will:
 - Assist emergency services in the event of a full scale evacuation.
 - Monitor crowd control.
 - Co-ordinate the initial response to any emergency.
 - Liaise with emergency services.
- vii) There shall be random search policy.
- viii) Details of all customers searched shall be recorded in the Incident Book.
- ix) First Aid facilities provided by a recognised first aid shall be provided for the event.
- x) There shall be at least two first aiders (from the recognised first aid agency) on site at all times the event is in operation.

- xi) A two way radio system between the Event Organiser, Stewards and Door Staff shall be in operation at all times the event is in operation.**
- xii) There shall be a pre-nominated Event Management team who shall be contactable on a staffed mobile phone number at all times the event is in operation.**
- xiii) All drinks shall be sold decanted into non glass vessels.**

REASON FOR DECISION

- To promote the following licensing objectives:
 - The prevention of crime and disorder.
 - The prevention of public nuisance.
- The Sub Committee took into consideration that the representations of the Responsible Authorities and noted that there were no representation from Interested Parties.
- The Sub-Committee took into consideration that the proposed conditions had been agreed between the Applicant and the Responsible Authorities;
- The Sub-Committee was of the view that the conditions agreed with the statutory consultees were reasonable, proportionate and necessary to enable the application to be granted whilst furthering the Licensing objectives.

The meeting closed at 10.15am.

Minutes

Licensing Committee

Venue:	Committee Room
Date:	3 September 2012
Present:	Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs P Mackay, B Marshall, Mrs K McSherry, D Peart (substitute for Mrs C Mackman), Mrs A Spetch (substitute for Mrs S Ryder), Sweeting and Thurlow.
Apologies for Absence:	Mrs S Duckett, Mrs C Mackman (substitute Mr D Peart) and Mrs S Ryder (substitute Mrs A Spetch)
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer

1. DECLARATIONS OF INTEREST

None.

2. MINUTES

RESOLVED:

That the Committee receive and approve the minutes of the Licensing Committee held on the 14 May 2012 and the Licensing Hearing on the 10 August 2012 and that they be signed by the Chair.

3. PROCEDURE

The Procedure was noted.

4. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Chair addressed the Committee and explained that the issues raised at the previous meeting were still ongoing and that the Committee were still awaiting a report regarding taxi omissions.

5. 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.

6. APPLICATION FOR A HACKNEY CARRIAGE LICENCE

The Senior Enforcement Officer presented the **Report L/12/01** which considered whether an application for a Hackney Carriage Licence for a particular vehicle not fully accessible to the disabled 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 a Hackney Carriage Licence in respect of the particular vehicle should be granted.

RESOLVED:

- i) That the Committee receive and note Report L/12/01.**
- ii) That the application to grant a Hackney Carriage Licence in respect of the particular vehicle mentioned in the report be APPROVED.**

7. APPLICATION FOR EXEMPTION FROM ASSISTING PASSENGERS IN WHEELCHAIRS ON MEDICAL GROUNDS

The Senior Enforcement Officer presented the **Report L/12/02** 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) That the Committee receive and note Report L/12/02.**
- ii) That a temporary exemption from assisting disabled passengers be APPROVED until 1 October 2012.**

- iii) **That the applicant bring a report from his Physiotherapist and his Consultant to the next meeting of the Committee where any decision on a further extension would be taken.**

8. ISSUE CONCERNING THE BEHAVIOUR OF A LICENSED HACKNEY CARRIAGE DRIVER

The Senior Enforcement Officer presented the **Report L/12/03** which outlined a complaint that had been received and considered whether the respective driver was a fit and proper person to drive a Hackney Carriage.

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 driver was a fit and proper person to be licensed as a Hackney Carriage Driver.

RESOLVED:

- i) **That the Committee receive and note Report L/12/03.**
- ii) **That the Committee conclude the driver is a fit and proper person to drive a Hackney Carriage.**
- iii) **That the driver be given a written warning to be held on his file for one year.**

The meeting closed at 11.30 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 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.