

Agenda

Meeting: **LICENSING COMMITTEE**
Date: **MONDAY 4 NOVEMBER 2013**
Time: **10.00AM**
Venue: **COMMITTEE ROOM**
To: **Councillors R Sayner (Chair), K Ellis (Vice Chair), Mrs S Duckett, Mrs P Mackay, Mrs C Mackman, B Marshall, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow**

1. Apologies for absence

2. Minutes

To confirm as a correct record the minutes of the Licensing Committee held on 7 October 2013 and the Licensing Hearings held on 5 June 2013 and 19 August 2013 (pages 1 to 9 attached).

3. 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.

4. Procedure

To outline the procedure to be followed at the meeting (Pages 10 to 11)

5. Chair's Address to the Licensing Committee

6. Government Consultation on Personal Licences Issued Under the Licensing Act 2003

To receive the report of the Senior Enforcement Officer L/13/10 (pages 12 to 27 attached)

7. Application for a Private Hire Vehicle Licence in Respect of a Mercedes Benz Motor Vehicle.

To receive the report of the Senior Enforcement Officer L/13/11 (pages 28 to 34 attached)

8. 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.

9. Application for a Hackney Carriage Licence in Respect of a Particular Vehicle

To receive the report of the Senior Enforcement Officer L/13/12 (pages 35 to 43 attached)

**Jonathan Lund
Deputy Chief Executive**

Dates of next meetings
2 December 2013
6 January 2014
3 February 2014

Enquiries relating to this agenda, please contact Palbinder Mann on:
Tel: 01757 292207 Email: pmann@selby.gov.uk

Minutes

Licensing Committee

Venue:	Committee Room
Date:	7 October 2013
Present:	Councillors K Ellis (Chair), Mrs C Mackman, Mrs K McSherry, Mrs S Ryder, R Sweeting and J Thurlow
Apologies for Absence:	Mrs S Duckett, R Sayner, B Marshall and Mrs P Mackay
Officers Present:	Caroline Fleming - Senior Solicitor, Tim Grogan – Senior Enforcement Officer and Palbinder Mann – Democratic Services Officer

16. MINUTES

RESOLVED:

To APPROVE the minutes of the Licensing Committee meeting held on 2 September 2013 to be signed by the Chair.

17. DISCLOSURES OF INTEREST

There were no declarations of interest.

18. PROCEDURE

The procedure was noted.

19. CHAIR'S ADDRESS TO THE LICENSING COMMITTEE

The Committee were informed that the Executive had approved the fee of £300 for Scrap Metal Dealer licence applications.

The Senior Enforcement Officer informed the Committee that the Government were currently running a consultation on abolishing personal licences. It was agreed to circulate the consultation document to members of the Committee to allow them to consider their views and to discuss this at the next meeting.

RESOLVED:

To circulate the consultation document on personal licences to the Committee.

The Committee agreed to amend the running order of the agenda.

20. 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.

21. APPLICATION FOR A HACKNEY CARRIAGE DRIVER'S LICENCE

The Senior Enforcement Officer presented the **Report L/13/9** which considered an application for a Hackney Carriage Driver's Licence. The applicant was in attendance with a relative.

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

RESOLVED:

To REFUSE the application in accordance with the guidance relating to the relevance of convictions.

The Committee moved back into public session.

22. APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE IN RESPECT OF A NEW MERCEDES BENZ E CLASS MOTOR VEHICLE

The Senior Enforcement Officer presented the **Report L/13/7** which considered an application for a Private Hire Vehicle Licence in respect of a new Mercedes Benz E Class motor vehicle. It was explained that the applicant had requested that the licence be discreet in manner. The applicant was in attendance.

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

RESOLVED:

To APPROVE the grant of a discreet Private Hire Vehicle Licence for a Mercedes Benz E Class motor vehicle.

23. APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE IN RESPECT OF A NEW SKODA SUPERB MOTOR VEHICLE

The Senior Enforcement Officer presented the **Report L/13/8** which considered an application for a Private Hire Vehicle Licence in respect of a new Skoda Superb motor vehicle. It was explained that the applicant had requested that the licence be discreet in manner. The applicant was in attendance with her son.

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

RESOLVED:

To APPROVE the grant of a discreet Private Hire Vehicle Licence for a new Skoda Superb motor vehicle and the transfer of a PHVL in the form of discreet identification issued to a VW Transporter.

24. SCRAP METAL DEALERS ACT 2013

The Senior Enforcement Officer presented the **Report L/13/6** which outlined information concerning the Scrap Metal Dealers Act 2013.

The Senior Enforcement Officer explained that the new act replaced the old act of 1964. The Committee were informed that there were currently 6 scrap metal dealers and 7 motor salvage operators in the district. These individuals would now have to apply for a new licence under the new guidelines. It was explained that fees for Scrap Metal Dealer licence applications had been agreed to the sum of £300 by the Executive.

Queries were raised concerning the identification requested of people handing in scrap metal. The Senior Enforcement Officer explained that people handing in scrap metal to dealers needed to provide a proof of address

RESOLVED:

To NOTE that the Council has delegated powers to the Licensing Committee to deal with issues where applications are recommended for refusal, revocation or variation of scrap metal dealer licences and where representations have been received in connection with those recommendations.

The meeting closed at 11.48am

Minutes

Licensing Hearing

Venue:	Council Chamber
Date:	5 June 2013
Present:	Councillors R Sayner (Chair), Mrs C Mackman and Mrs S Ryder.
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan, Senior Enforcement Officer, Rachel Howden – Enforcement Officer, and Palbinder Mann – Democratic Services Officer
Public:	0

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. PROCEDURE

The procedure was noted.

4. 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.

5. APPLICATION FOR A PERSONAL LICENCE

The Sub-Committee considered an application for a personal licence.

The Senior Enforcement Officer presented the report.

The Sub-Committee heard representations from the Police.

The applicant then presented his case.

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 Senior Solicitor to consider the application and the representations that had been made.

RESOLVED:

That the application be REFUSED as having considered all the evidence before them, the Committee felt that considering the unspent conviction was only 2 ½ years old they did not consider that the applicant had demonstrated that he no longer had a propensity to re-offend.

REASON FOR DECISION

The Sub-Committee felt the issuing of a personal licence would undermine the following licensing objectives:

- The prevention of crime and disorder

The meeting closed at 10.47am.

Minutes

Licensing Hearing

Venue:	Council Chamber
Date:	19 August 2013
Present:	Councillors R Sweeting (Chair), Mrs P Mackay and Mrs S Ryder
Apologies for Absence:	None
Officers Present:	Kelly Hamblin - Senior Solicitor, Tim Grogan, Senior Enforcement Officer, and Palbinder Mann – Democratic Services Officer
Public:	0

PRESENT

PREMISES:

Golden Skewer, 51 Micklegate, Selby

- Nurettin Onay
- Michael Onay

RESPONSIBLE AUTHORITIES:

North Yorkshire Police

- Inspector Michelle Falkingham
- Jane Wintermeyer – Solicitor for North Yorkshire Police
- PC Jackie Allen – Police Licensing Officer

Selby District Council

- Liz Lloyd – Environmental Health Officer

INTRODUCTIONS

Members and everyone present introduced themselves.

12. DISCLOSURES OF INTEREST

There were no disclosures of interest.

13. GUIDANCE ON PROCEDURE FOR HEARING LICENSING APPLICATIONS

The procedure was noted.

14. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – Golden Skewer, 51 Micklegate, Selby

The Sub-Committee considered an application for the variation of a premises licence for the Golden Skewer, 51 Micklegate, Selby.

The Senior Enforcement Officer presented the report and explained that an extension to existing licensing hours had been requested. In response to a query concerning other premises in Micklegate who had a licence to trade until 5am, it was explained that there were no such premises.

The Sub-Committee heard representations from the Police, Environmental Health, and the Applicant. The Members were informed that an agreement had been reached between the applicant and the Police that should the extended hours be limited to 04:00hrs Thursday to Sunday and proposed conditions were attached to the Premise Licence this would overcome the Police objection. It was also noted that the Applicant had accepted the proposed condition by Environmental Health in relation to noise.

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

The Chair confirmed with all parties that they had said all that they needed to say.

The members of the Sub-Committee retired together with the Democratic Services Officer and Senior Solicitor to consider the application.

RESOLVED:

- 1) That the application to vary the Premises Licence be APPROVED subject to the below conditions:**
 - i. A CCTV system will be installed to cover the premises and recorded coverage will include**

all areas to where public have access to consume/purchase food.

- ii. The CCTV system will be maintained, working and recording at all times when the premises are open.**
- iii. The recordings shall be of good evidential quality to be produced in court or other such hearing.**
- iv. Copies of the recordings 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. Documented staff training will be given regarding the conditions attached to the premises licence and the opening times of the venue.**
- viii. Such records (referred to in Condition 7) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.**
- ix. An Incident Report Register will be kept. The document will record incidents of any anti-social behaviour and ejections from the premises.**
- x. The Incident Report Register (referred to in Condition 9) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.**
- xi. 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.**
- xii. There shall be a minimum of four members of staff working after 00:00hrs until the venue closes for business.**

xiii. Noise from music, speech and equipment emanating from the premises between the hours of 23:00 and 07:00 shall not be audible inside habitable rooms of noise sensitive properties in the vicinity.

2) To vary the late night refreshment t licensable activity to following hours:

Sunday	16:00 – 04:00
Monday	16:00 – 02:00
Wednesday	16:00 – 02:00
Thursday	16:00 – 04:00
Friday	16:00 – 04:00
Saturday	16:00 – 04:00

The meeting closed at 12.07pm.

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 Solicitor will inform in writing to the applicant the decision of the Licensing Committee.



Public Session

Report Reference Number: L/13/10

Agenda Item No: 6

To: Licensing Committee

Date: 4 November 2013

Author: Tim Grogan

Lead Officer: Tim Grogan

Government Consultation on Personal Licences Issued Under the Licensing Act 2003

Summary:

A consultation document was issued by the Home Office seeking views in connection with a proposal to abolish personal licences. Comments are as a consequence invited from members in order that they be submitted for the attention of the Home Office.

Recommendations:

The Licensing Committee is asked to provide comments on the Home Office consultation “Personal Alcohol Licences: Enabling Targeted, Local Alternatives”, to be included in a formal response from Selby District Council.

1. Introduction and background

- 1.1 To seek the Licensing Committee’s views on a recent consultation from the Home Office in relation to the future of personal licences granted under the Licensing Act 2003.

2. The Report

- 2.1 The Home Office issued a consultation document on 12 September 2013. The consultation is to seek views on whether personal licences should be abolished, enabling licensing authorities to apply relevant conditions to premises licensed where appropriate. The consultation document is attached as an appendix to this report.

- 2.2 However, copies of the consultation were communicated to members of the committee after the last meeting.
- 2.3 Responses are required by 7 November 2013, there is insufficient time to produce a draft response to accompany this report but more detail will be provided on the day of the meeting.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The legal issues surrounding this matter are contained within the body of the report.

3.2 Financial Issues

There are no financial implications.

4. Conclusion

That Councillors provide any views in relation to this issue.

5. Background Documents

There are no background documents

Contact Officer: Tim Grogan: tgrogan@selby.gov.uk

Appendices:

Consultation document: Personal Alcohol Licences: Enabling Targeted, Local Alternatives



Home Office

Consultation Personal Alcohol Licences: Enabling Targeted, Local Alternatives

September 2013

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Ministerial foreword



This Government has already reformed licensing to give more power to local people and individuals – residents, licensing authorities and police officers – who are best placed to tackle alcohol-related harms. And where previous governments looked for top down solutions, our recent response to the Alcohol Strategy consultation set out how government, local people and industry all have a role to play.

Alcohol doesn't always cause problems, though. For example, in local pubs, at museums, galleries, sports clubs and charity events, alcohol can bind communities together and drive local growth – if sold responsibly. That is why, while taking a firm line on the harms caused by alcohol, this Government has also committed, where possible, to cut red tape for businesses without undermining important safeguards against alcohol-related harm.

Our consultation response has already detailed a range of measures to free up responsible businesses, from increasing the limit for Temporary Event Notices from 12 to 15 to introducing a brand new authorisation for community and ancillary sellers. But there's more that can be done.

Responses to the Alcohol Strategy consultation suggested that the system of personal licences may not always be the most efficient and effective way of tackling crime and disorder. Its cost to businesses – in application fees, training and criminal records checks – is significant. And yet it applies to everyone in the same way, regardless of local circumstance or risk. We have already announced that we will reform the system by removing the requirement to renew them. However, we believe that there may be a way to further enable better and more targeted alternatives to the system as a whole.

This consultation seeks your views on our ideas for how that might happen.

A handwritten signature in black ink, appearing to read 'J. Browne', followed by a horizontal line.

Jeremy Browne MP
Minister of State for Crime Prevention

About this consultation

Scope of the consultation

Topic of this consultation:	This consultation seeks your views on whether personal licences should be abolished, enabling licensing authorities to apply relevant conditions to premises licences where appropriate.
Scope of this consultation:	Licensing authorities, the police, the licensed trade
Geographical scope:	England and Wales
Impact Assessment (IA):	A consultation stage IA is included with the consultation document.

Basic information

To:	We are keen to hear from everyone who would be affected by the measure, including licensing authorities, residents' groups, police, the trade and health bodies.
Duration:	The consultation runs for eight weeks from 12 September to 7 November.
Enquiries:	personallicencesconsultation@homeoffice.gsi.gov.uk
How to respond:	<p>Information on how to respond can be found on GOV.UK. Responses can be submitted online through the Home Office website www.gov.uk/government/consultations/personal-alcohol-licences-enabling-targeted-local-alternatives or by post by sending responses to:</p> <p>Alcohol Team Drugs and Alcohol Unit Home Office 4th Floor Fry Building 2 Marsham Street London SW1P 4DF</p>
Additional ways to become involved:	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio. The department is obliged to both offer, and provide on request, these formats under the Equality Act 2010.
After the consultation:	Responses will be analysed and a 'Response to the Consultation' document will be published. This will explain the Government's final policy intentions. All responses will be treated as public, unless stated otherwise.

1. Introduction

1. Alcohol-related crime and anti-social behaviour is unacceptable, costly and dangerous. In 47% of violent incidents, the victim believed the perpetrator to be under the influence of alcohol and a fifth of all violent incidents took place in or around a pub or club¹. The cost of alcohol misuse in England alone is estimated at £21 billion a year².
2. The Government has set out in its Alcohol Strategy, and in its recently published response to the Alcohol Strategy consultation, a whole range of national and local measures to tackle these alcohol-related harms. Nonetheless, the stark statistics about harmful drinking should not distort the wider picture of alcohol's place in our national life. In local pubs, at museums, galleries, sports clubs and charity events, alcohol makes for more vibrant communities. As the alcohol industry supports 1.8 million jobs across the country, it makes them richer and encourages growth, too³.
3. In the vast majority of these cases, alcohol is consumed responsibly – and sold by responsible businesses. One of the main focuses of this Government has been to free up this responsible majority from unnecessary red tape to help drive local growth – while maintaining the safeguards needed to tackle the irresponsible behaviour of a few.
4. In its response to the Alcohol Strategy consultation, the Government has already set out some of the ways it will make alcohol licensing more targeted, proportionate and flexible. These include increasing the TENs limit from 12 to 15, allowing for a more flexible and proportionate approach to late night refreshment, and creating a new, light touch authorisation for community and ancillary sellers of alcohol – the Community and Ancillary Notice (CAN).
5. In addition, the Government will also reform the system of personal licences. First, we do not believe that renewing personal licences every ten years is an effective or proportionate way to tackle crime and disorder. We have therefore committed to removing that requirement. The Government has also listened to wider concerns that the whole system of personal licences itself may be poorly targeted and ineffective. Secondly, then, it also committed to consulting on the abolition of personal licences altogether.
6. This consultation sets out the Government's proposal for how alcohol licensing would work if personal licences were abolished. It seeks your views on whether this would reduce burdens on business or undermine the four licensing objectives⁴.

1 Office for National Statistics (2013). Crime Statistics, Focus on: violent and sexual offences, 2011/12.

2 The Government's Alcohol Strategy (2012).

3 The economic outlook for the UK drinks sector and the impact of the changes to excise duty and VAT announced in the 2008 Budget and Pre-Budget Report, Oxford Economics (February 2009).

4 The four licensing objectives are: public safety; preventing crime and disorder; preventing public nuisance; and protecting children from harm.

2. Proposal

The current system of personal licences

7. The current system of personal licences requires that all alcohol sales be made or authorised by a personal licence holder. At the same time, the Designated Premises Supervisor (DPS) in relation to licensed premises must hold a personal licence.
8. This system uses two key safeguards to ensure that alcohol is sold responsibly and to prevent crime and disorder at licensed premises. First, personal licences may be denied to, or forfeited from, those who have criminal convictions for certain offences. Secondly, applicants for a personal licence must be trained. To ensure a level playing field for bar staff nationally, these safeguards are qualified by two 'benchmarks' set by Government:
 - i. only offences listed as relevant under the 2003 Act may be considered as a basis for denying the grant of, or revoking, a personal licence; and
 - ii. only training courses accredited by the Secretary of State are valid for applications.

Weaknesses of the current system

9. Following our discussions with partners during the Alcohol Strategy consultation, we have become concerned that this system may not be effective in ensuring responsible sales and tackling crime and disorder. For example, although all alcohol sales must be at least authorised by a personal licence holder, it is not always the case, in practice, that a personal licence holder is present on the premises at all times to do this. Moreover, no person working at licensed premises except the DPS is required to hold a personal licence. All this would seem to restrict the system's ability to prevent those with criminal records and a poor understanding of alcohol harms from working at, or even managing, a licensed premises.
10. Finally, and perhaps most fundamentally, the system is not targeted. It is a national, blanket requirement. All premises, from the riskiest to the quietest, must comply with it – and incur significant costs in training, application fees and criminal records checks as a result. This Government questions whether this is appropriate for all licensed premises.

Premises licence conditions as a local alternative

11. Licensing authorities already have the power to impose conditions on premises licences, as long as those conditions are precise, enforceable and appropriate to promote the licensing objectives for the premises in question. They are a flexible tool: conditions may, for example, require that CCTV be installed or that door staff be present. They may also, already, require strict training requirements of those selling alcohol, over and above the requirements already in place through the personal licences regime.

12. The Government recognises that the safeguards afforded by personal licences – training and criminal records checks – are important tools that may be appropriate in specific cases. However, conditions added to premises licences could provide a better and more targeted way of applying these safeguards. Licensing authorities and the police would have a more flexible tool at their disposal over which they had local control. Well run businesses, for their part, would no longer have to spend money on unnecessary training and criminal records checks.

Enabling the local alternative

13. To ensure that licensing authorities could use such conditions in a flexible and effective way, if this proposal were taken forward the Government could maintain, and even strengthen, existing legislation in two key ways.

14. First, we could keep the national benchmarks for training and criminal records checks. At present, these ensure that a level playing field for business exists across the country. In the event that personal licences were abolished, these benchmarks would still ensure that, if training or criminal records checks were required at a premises, businesses would not have to comply with different standards from one licensing authority to another. For example, we believe that removing the Government's accreditation of training courses could increase burdens on business if employees had to be trained multiple times to comply with different local standards.

15. Secondly, we could strengthen existing legislation in several areas.
We could:

- i. Require all alcohol sales to be made or authorised by the DPS, rather than a personal licence holder
- ii. Allow the police to object to a new DPS based on the crime prevention objective in general, rather than only in 'exceptional circumstances'
- iii. Allow licensing authorities to require a criminal records declaration to be provided with any new application to vary a DPS
- iv. Allow those who either are named as the DPS in relation to a premises licence or have accredited training to give up to 50 Temporary Event Notices (TENs) a year; those without would be limited to giving five.

16. Finally, to make any conditions requiring training easy to enforce for the police and licensing authorities, we would work with training providers to ensure that training certificates can be provided in a readily available and easily recognisable form.

17. A summary of this proposal, including the above potential changes to legislation, is at Annex A of this consultation document. An Impact Assessment, explaining how it would affect business, is also available on GOV.UK. Questions based on this proposal are set out at Section 4.

3. Information about you

The following questions ask for some information about you. The purpose of these questions is to provide some context on your consultation responses and to enable us to assess the impact of the proposals on different groups of people. By providing this information you are giving your consent for us to process and use this information in accordance with the Data Protection Act 1998.

Company name or organisation:

Which of the following best describes you or the professional interest you represent? Please select one box from the list below:

- Individual involved in licensed trade/club premises
- Small or medium sized enterprise involved in licensed trade/club premises (up to 50 employees)
- Large business involved in licensed trade/club premises
- Trade body representing the licensed trade/club premises or alcohol producers
- Alcohol-related best practice scheme
- Person or organisation specialising in licensing law
- Voluntary and community organisation
- Licensing authority – if yes, please specify:

- Licensing authority officer
- Public health body (e.g. Primary Care Trust, Local Health Board, Director of Public Health)
- Local Government (other)
- Police and crime commissioner
- Police force
- Police officer
- Member of the public
- Other (specify in the box below):

4. Questions

Question 1: Do you think the Government's proposal would reduce burdens, in terms of time and/or money, on business, including small and medium enterprises?

Yes

No

D/K

Question 2: Do you think this proposal would undermine the licensing objectives? The four licensing objectives are: public safety; preventing crime and disorder; preventing public nuisance; and protecting children from harm.

Yes

No

D/K

Question 3: Do you think nationally accredited training courses for those authorising alcohol sales are necessary to help licensing authorities promote the licensing objectives?

Yes

No

D/K

Question 4: Do you think a statutory list of relevant offences, such as theft or handling stolen goods, is necessary to help licensing authorities promote the licensing objectives?

Yes

No

D/K

Question 5: For what proportion of premises in your area do you think conditions requiring nationally accredited training would be appropriate?

<10%

25%

50%

75%

>90%

Question 6: For what proportion of premises in your area do you think conditions requiring criminal records declarations for future Designated Premises Supervisors would be appropriate?

<10%

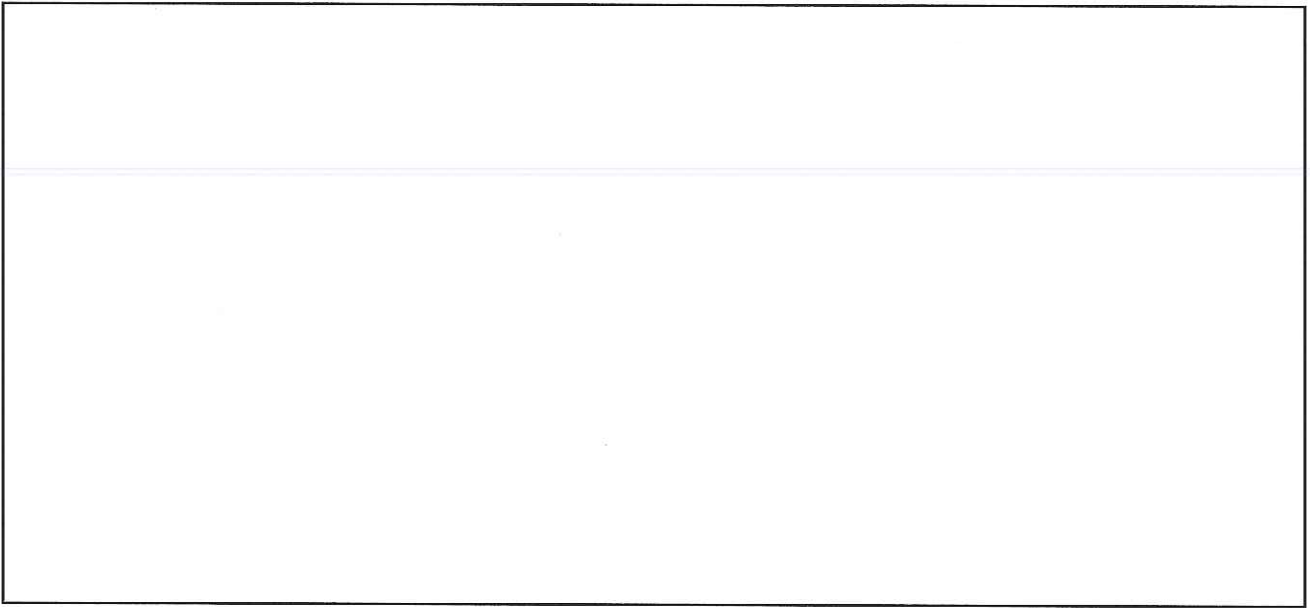
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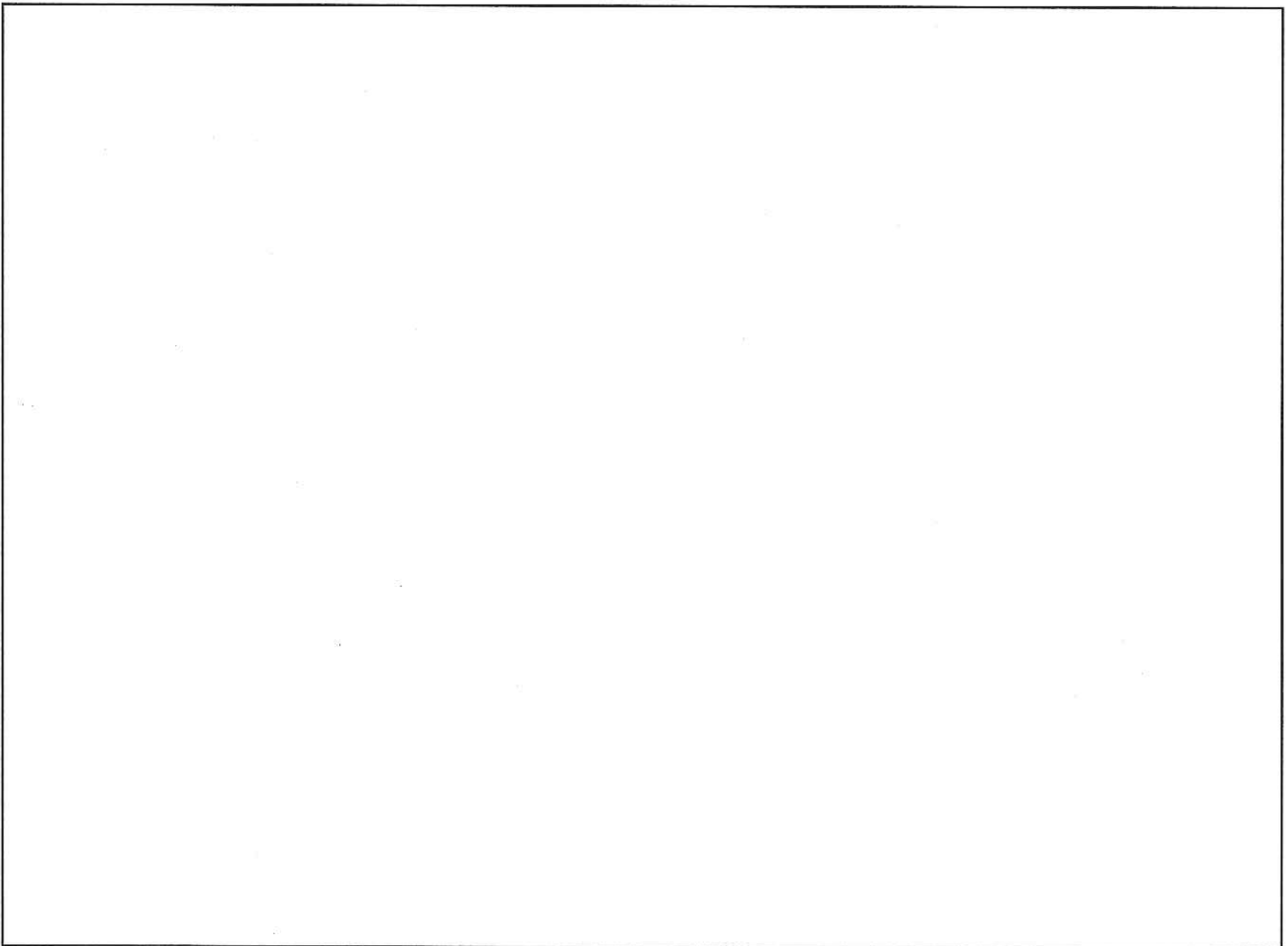
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>90%

Question 7: Below, please provide evidence to support the answers you've given, making clear to which question the evidence refers.



Question 8: Is there anything else you think the Government should consider?



5. Glossary

Designated Premises Supervisor	Under the 2003 Act, licensed premises that authorise the sale of alcohol must, in most cases, have a DPS specified in the licence. Only a person who holds a personal licence can be a DPS.
The Government's Alcohol Strategy	Published on 23 March 2012, the Strategy sets out how to tackle the problems caused by people drinking to excess.
The Licensing Act 2003	The 2003 Act established a single, integrated scheme for licensing premises which are used for the sale or supply of alcohol, the provision of regulated entertainment, or the provision of Late Night Refreshment.
The licensing objectives	Licensing authorities are defined in the 2003 Act. They are primarily district councils or unitary authorities in England and county boroughs in Wales. Licensing authorities grant and administer premises licences, club premises certificates and temporary event notices in their area, as well as, for example, personal licences and renewals of personal licences.
Personal licences	Under the 2003 Act, each sale of alcohol under a premises licence must, with some exceptions, be made under the authority of a personal licence holder. A personal licence does not need to be associated with specific premises, and a person can apply for a personal licence if they are not currently working at any licensed premises.
Temporary Event Notice (TEN)	Under the 2003 Act, a TEN enables the person who gave the TEN to carry on licensable activities (including selling alcohol) on an occasional basis without any other authorisation. The TEN must be given to the licensing authority, the police, and the environmental health authority (EHA). The police or the EHA can object on grounds related to any of the licensing objectives. There are limits on the number of TENs a person may give each year or the number of TENs which may be given in relation to specific premises. It is an offence to carry on a licensable activity without an appropriate authorisation.

6. Annex A – Proposal Summary

Our proposal to abolish personal licences would cut unnecessary bureaucracy for businesses while maintaining key safeguards to tackle irresponsible premises. As well as abolishing personal licences, we would maintain, or even strengthen, existing legislation in several ways. We would:

- i. Amend the mandatory conditions to require all alcohol sales to be authorised by the DPS, rather than a personal licence holder;
- ii. Allow the police to object under s.37 of the 2003 Act to a new DPS based on the crime prevention objective in general, rather than only in 'exceptional circumstances';
- iii. Allow licensing authorities to require a criminal records declaration with each new change of a DPS; and
- iv. Allow those who either are named as the DPS on a premises licence or have accredited training to give up to 50 Temporary Event Notices (TENs) a year; those without would be limited to giving only five.

	Now	Proposal
Who must be trained?	<p>All personal licence holders, in effect:</p> <ul style="list-style-type: none"> • The DPS in relation to a premises licence • Those who may authorise alcohol sales 	<p>No-one; unless required to be trained by a condition imposed on the premises licence</p>
What is the benchmark for training?	All training courses must be accredited by the Secretary of State	
How can training be checked?	Inspection of the personal licence application ; and subsequently the personal licence itself at a premises	Inspection of a certificate of training at a premises
Who must provide a criminal records check?	<p>Applicants for, and those renewing, personal licences, in effect:</p> <ul style="list-style-type: none"> • The DPS in relation to a premises licence • Those who may authorise alcohol sales 	No-one
Who must provide a criminal records declaration?	<ul style="list-style-type: none"> • The DPS in relation to a premises licence • Those who may authorise alcohol sales 	<p>No-one; unless a condition imposed on a premises licence requires that all future applications to vary the DPS be accompanied by a criminal records declaration</p>
What is the benchmark for criminal convictions?	Only those offences listed as relevant in Schedule 4 to the Licensing Act 2003 may be considered	

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Public Session

Report Reference Number: L/13/11

Agenda Item No: 7

To: Licensing Committee

Date: 4 November 2013

Author: Tim Grogan

Lead Officer: Tim Grogan

Summary:

Donald Richard Wilson has applied for a Private Hire Vehicle Licence in respect of a Mercedes Benz motor vehicle and requests that the licence be discreet in manner.

Recommendations:

That Councillors approve the issue of Private Hire Vehicle licence in the form of a disc identifying a Mercedes Benz motor vehicle.

1. Introduction and background

1.1 To bring to the attention of the Committee, an application by Donald Richard Wilson for the grant of a Private Hire Vehicle Licence for a Mercedes Benz motor vehicle, being discreet in manner.

2. The Report

2.1 On Friday 4 October 2013, Donald Richard Wilson applied to Selby District Council for Private Hire Vehicle licences in respect of a Mercedes Benz motor vehicle. He requested that such a licence be discreet in manner as a consequence of his proposed customers requesting an executive transportation service using vehicles not displaying a 'plate'.

2.2 The Committee should be aware that orthodox Private Hire plates, which are currently displayed in accordance with section 47(2) of the

Local Government (Miscellaneous Provisions) Act 1976, are securely fixed to the front and rear exterior of Private Hire vehicles in a conspicuous position.

- 2.3 Three prospective business customers support this application and confirm this information in writing.
- 2.4 Section 48(5) of the Local Government (Miscellaneous Provisions) Act 1976 is the legislation which deals with this matter. The Section provides that a District Council shall issue a plate or disc in order that a vehicle may be identified as a Private Hire Vehicle.
- 2.5 Other Authorities have issued licences in the form of a disc which is discreet in nature. Selby District Council has granted such licences on thirteen previous occasions, although not all individuals who have previously applied are still operating these licences.
- 2.6 A copy of the disc, which will be provided on a red background when issued thereby replicated the colour of the Private Hire Vehicle plate, is available for scrutiny.
- 2.7 Mr Wilson will provide the reasoning for his application at the meeting. Three letters of support from his prospective business customers have been received and these are attached.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The legal issues surrounding this matter are contained within the body of the report.

3.2 Financial Issues

There are no financial implications.

4. Conclusion

That Councillors determine the application.

5. Background Documents

There are no background documents

Contact Officer: Tim Grogan: tgrogan@selby.gov.uk

Appendices:

- (i) A copy of Section 48(5) of the Local Government Act (Miscellaneous Provisions) Act 1976 is available in the Legal Services section.
- (ii) Letter of support from Mr Spooner of 116 Church View, Sherburn-in-Elmet
- (iii) Letter of support from Mr Manning of 32 Fairburn Drive, Garforth
- (iv) Letter of support from VZ Executive Cars, Scotts Barns, Main Street, Sicklinghall
- (v) Copy of disc

George Spooner
[REDACTED]
[REDACTED]



Dear Sirs

14.10.2013

I live in a sheltered housing complex consisting of sixty maisonettes. I have known Mr D R Wilson for a number of years, and I on behalf of the committee have approached him concerning a contract to use his firm regarding transport as we have great difficulty in obtaining a reliable taxi company

trust this in order for your needs

[REDACTED]

From: Manning, Andrew
Sent: 14 October 2013 10:18
To: 'TGrogan@Selby.Gov.UK'
Subject: Donald Wilson - Executive Car Hire

Dear Mr Grogan

This email is in regard of Donald Wilson applying for an Executive Car Hire license under Selby Council.

I have, in a business capacity, used Donald for many years now, generally to transport me to and from airports.

I have always found him to be courteous, polite and I have never had any issues with his time keeping.

The car and Donald are always well presented and I have found his driving to be fraught free and as relaxing as you can manage on today's roads.

If you have any further questions then please do not hesitate to contact me through either email or on my phone.

Regards

Andy

[Andrew Manning](#)

From: VZ Executive
Sent: 16 October 2013 20:57
To: enforcementteam
Subject: Donald Wilson's Licence application

Dear Sir/Madam

I am writing this email today in regards to Donald Wilson's Licence application.

I am the Managing Director of VZ Executive Cars based just outside of Harrogate and are currently running an executive private hire and operator's licence with Harrogate borough council.

My line of work requires a very high standard of car and chauffeur carrying high profile business men/women or celebrities nationwide, therefore require a lot of driver owners situated around the country, hopefully all being well Donald Wilson.

However we do have requirements to being able to let someone transport our clients, one crucial point holding a executive discreet licence.

I can confirm that once Donald Wilson has the correct licence he will be transporting our clients of whom will only travel in an executive chauffeured vehicle.

If you have any queries please do not hesitate to contact me and I look forward to any further correspondence.

Yours Faithfully

Glen van Zeller

VZ Executive Cars

SELBY

IN THE VALE OF YORK

**SELBY DISTRICT COUNCIL
Licensed Private Hire Vehicle**

PHV

Vehicle Registration No

Make..... Colour

Licence Expires

This vehicle is exempt from the Display of Licence
Insignia - All enquires in respect of this licence
should be addressed to the Licensing
Department at Selby District Council,
Portholme Road,
Selby YO8 4SB