

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 24th June, 2010
at 2.00 p.m.

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 22nd April, 2010.

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 1. Appointments on Outside Panels, Working Groups etc.
- (D) 2. Licensing Act 2003 Policy Review.

- (R) 3. Hackney Carriage/Private Hire Vehicle Drivers Licence Identification Cards.

RECOMMENDED PART TWO

- (D) 4. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

D. Roberts (Chairman)
Unwin (Vice Chairman)
Biggins
Callister
Flitcroft
Irwin
James
McEwan
Maddox
Pointer
Stephenson

For queries regarding this agenda, please contact:

Sharron Rushton
Democratic Services Officer
Tel: 01229 876321
Email: srushton@barrowbc.gov.uk

Published: 16th June, 2010

BOROUGH OF BARROW-IN-FURNESS
LICENSING COMMITTEE

Meeting: 22nd April, 2010
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Callister, English, Garnett, Irwin, McEwan, Millar, Solloway, Stephenson and Unwin.

69 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute Nos. 72, 73, 74, 75 and 76) of Part One of Schedule 12A of the said Act.

70 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor R. Hamezeian.

Councillor McEwan had replaced Councillor R. Hamezeian for this meeting only.

71 – Minutes

The Minutes of the meeting held on 11th March, 2010 were taken as read and confirmed.

72 – Hackney Carriage/Private Hire Vehicle Driver

The Chief Environmental Health Officer reported on information concerning a Hackney Carriage/Private Hire Vehicle Driver, Mr L. F. K. He submitted information which had been drawn to his attention regarding the driver and set out details of the Committee's policy regarding such matters.

Mr L. F. K. had been invited to attend today's meeting but had failed to do so. A Police representative was present.

RESOLVED:- To agree that Mr L. F. K's Hackney Carriage/Private Hire Vehicle Driver's Licence be suspended with immediate effect.

73 – Application for a Hackney Carriage/Private Hire Vehicle Driver’s Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Driver’s Licence from Mr D. F. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee’s policy regarding such matters.

Mr D. F. and a representative attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant Mr D. F. with a Hackney Carriage/Private Hire Vehicle Driver’s Licence on the understanding that he received a severe written warning as to his future conduct.

74 – Application for a Hackney Carriage/Private Hire Vehicle Driver’s Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Driver’s Licence from Mr S. R. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee’s policy regarding such matters.

Mr S. R. had been invited to attend today’s meeting but had submitted his apologies for absence. He had requested his application be deferred until the end of the year.

RESOLVED:- To agree that consideration of this matter be deferred until a later date.

75 – Application for a Hackney Carriage/Private Hire Vehicle Driver’s Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Driver’s Licence from Mr N. G. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee’s policy regarding such matters.

Mr N. G. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant Mr N. G. with a Hackney Carriage/Private Hire Vehicle Driver’s Licence on the understanding that he received a written warning as to his future conduct.

76 – Application for a Hackney Carriage/Private Hire Vehicle Driver’s Licence

Referring to Minute No. 59 of the meeting held on 28th January, 2010 and Minute No. 67 of the meeting held on 11th March, 2010 the Chief Environmental Health Officer re-submitted a report concerning Mr S. A. E. He submitted information which had been

drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr S. A. E. attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree to grant Mr S. A. E. with a Hackney Carriage/Private Hire Vehicle Driver's Licence on the understanding that he received a severe written warning as to his future conduct. The written warning would confirm that the Council would continue to pursue the Police Authority for additional information.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

77 – Sexual Entertainment Venues

The Chief Environmental Health Officer reported on new legislation which enabled local authorities to licence sexual entertainment venues, for example, lap dancing clubs.

The Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 many years ago. This allowed the authority to licence sex shops and sex cinemas as sex establishments.

Schedule 3 of the above Act had now been amended by Section 27 of the Policing and Crime Act 2009 and as a result from 6th April, 2010 local authorities could adopt additional powers to regulate lap dancing clubs and similar venues.

The amendment introduced a new category of sex establishments called 'sexual entertainment venues', which if adopted by a local authority, would require premises which provided 'relevant entertainment', such as lap dancing, to obtain a sex establishment licence. There was an exemption for premises that provided relevant entertainment on an infrequent basis.

The purpose of the new legislation was to empower local communities where there were concerns about lap dancing clubs opening in their neighbourhoods. Under the new regime, local people would be able to oppose application on wider grounds than was currently allowed under the Licensing Act 2003. Local Authorities were also able to set a limit on the number of lap dancing clubs they considered for a particular locality.

The legislation was not mandatory and there were currently no lap dancing establishments in the area, however, applications may be received in the future and if the local authority then wished to adopt the legislation, there was a requirement that if the legislation was adopted after 6th April, 2011, the local authority would have to consult local people about whether they should do so as soon as was reasonably practicable after that date.

Members were asked to consider adopting the new provisions to enable the authority to licence sexual entertainment venues under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.

If adopted there was a requirement for an authority to publish a notice for two consecutive weeks in a local newspaper, the first publication not being later than 28 days before the date for the provisions to come into force in the area. It was therefore suggested that if adopted an operative date for the provisions to come into effect be set at 1st October, 2010.

RECOMMENDED:- To recommend the Council to adopt the amendments made to Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982 by Section 27 of the Policing and Crime Act 2009 to enable the Borough Council to licence sexual entertainment venues with an operative date of 1st October, 2010.

The meeting closed at 3.00 p.m.

LICENSING COMMITTEE		Part One (D) Agenda Item 1
Date of Meeting:	24th June, 2010	
Reporting Officer:	Chief Executive	
<p>Title: Appointments on Outside Panels, Working Groups etc.</p> <p>Summary and Conclusions:</p> <p>The Council on 18th May, 2010 had been requested to give delegated authority to Committees to make appointments to Outside Bodies, Forums (excluding Housing Management Forum) Panels, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the Meeting.</p> <p>In the case of the Licensing Committee this involved appointments to the Licensing Policy Consultation Working Group and the Taxi/Private Hire Liaison Group.</p> <p>Recommendation:</p> <p>To agree the appointments to the Licensing Policy Consultation Working Group and the Taxi/Private Hire Liaison Group.</p>		

Report

At the Annual Council Meeting on 18th May, 2010 the allocation of seats in respect of Forums, Panels, Working Groups etc. had been agreed. Delegated authority was given to the appropriate Committees to make the necessary appointments.

In the case of the Licensing Committee this involved the appointment of Members to:-

Licensing Policy Consultation Working Group

(Membership for 2009/2010 was Councillors English, James, Irwin and R. Hamezeian).

Taxi/Private Hire Liaison Group

(Membership for 2009/2010 was Councillors D. Roberts and Millar).

In accordance with proportionality rules, the notional seat allocations for 2010/11 are as follows:-

- Licensing Policy Consultation Working Group – Four Seats (2 Labour: 2 Conservative)
- Taxi/Private Hire Liaison Group – Three Seats (1 Labour: 1 Conservative: 1 Independent).

LICENSING COMMITTEE	(D) Agenda Item 2
Date of Meeting: 24th June, 2010	
Reporting Officer: Chief Environmental Health Officer	
Title: Licensing Act 2003 Policy Review	
Summary and Conclusions:	
This report informs Members of arrangements for carrying out a review of the Council's Statement of Licensing Policy in accordance with the statutory timetable contained within the Licensing Act 2003.	
Recommendation:	
That Members note the information and authorise me to call a special Council meeting in December 2010 to consider a revised Licensing Policy, should it be necessary to do so.	

Report

Section 5 of the Licensing Act 2003 provides that each licensing authority must, in respect of each three year period, determine its policy with respect to the exercise of its licensing functions and publish a statement of that policy before the beginning of the period.

The Council's existing licensing policy was established in January, 2008 and is now due to be reviewed.

A review of the current policy is being drafted in partnership with the other Cumbrian authorities. This draft will then be put out to consultation for a three month period.

Any revisions made to the existing policy must be published in a revised policy no later than 7th January, 2011.

Members will be kept informed of developments regarding the consultation of the review of the Statement of Licensing Policy over the coming months. It will be necessary for any proposed changes to the existing policy to be approved by Council. As Council does not meet until 25th January, 2011 it may be necessary to hold a special meeting in December, 2010 to consider any policy revisions and I would ask for authority to call such a special meeting should it be found necessary.

Background Papers

Nil

LICENSING COMMITTEE	(R) Agenda Item 3
Date of Meeting: 24th June, 2010	
Reporting Officer: Chief Environmental Health Officer	
Title: Hackney Carriage/Private Hire Vehicle Drivers Licence Identification Cards	
Summary and Conclusions:	
<p>This report deals with taxi drivers identification badges which are currently issued every three years compared with taxi driver licences which are issued annually. It is proposed that identification badges are issued annually to bring the authority in line with other Cumbria authorities and to avoid confusion among some drivers over the duration of their taxi driver licences.</p>	
Recommendation:	
To recommend the Council:-	
<ol style="list-style-type: none">1. With effect from 1 October 2010 taxi driver identification badges are issued annually to run coterminous with individual taxi driver licences;2. The annual fee for taxi driver licences is increased by £4 to take into account production of the annual identification badges; and3. The current £9 fee required every three years for identification badge production is removed.	

Report

Hackney Carriage/Private Hire Vehicle drivers are licensed annually by the Borough Council. As a means of identification, in the main, to provide reassurance to the general public, taxi drivers are issued with an identity badges which are renewed every three years.

This arrangement has caused confusion on a small number of occasions when taxi drivers have failed to renew their annual licence in the belief that their identification badge demonstrates that they hold the relevant licence. In order to remove the possibility of this type of confusion I am keen for us to fall in line with most of the Cumbrian licensing authorities who have in recent years commenced issuing identification badges annually to run coterminous with all annual licensing procedures. This change in procedure should ensure that taxi drivers can not be confused as to when licence renewal applications have to be made and should reduce incidents of taxi drivers operating in breach of the legislation.

I recommend that the Borough Council commence issuing annual identification badges for drivers as part of the annual licence renewal effective from 1 October

2010 so that all taxi drivers will have annual identification badges and annual licences in place by 30 September 2011.

It is anticipated that there will be a minor amendment to current financial arrangements as it is considered necessary to increase the current licence fee by £4 to cover the cost of producing the annual badges. Drivers currently pay £9 in addition to the licensing fee every three years for the production of the identification badge so in real terms the financial impact on taxi drivers is considered very modest.

In summary, issuing identification badges annually at the same time as licence renewals would bring the Borough Council in line with neighbouring authorities and also help address confusion among drivers about the duration of their licences.

Background Papers

Nil