

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting, 29th July, 2010  
at 2.00 p.m. (Committee Room No. 4)

### **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 24th June, 2010.

#### **Chief Environmental Health Officers' Reports**

#### **FOR DECISION**

- (R) 7. Sexual Entertainment Venues – Fees.

## **RECOMMENDED PART TWO**

- (D) 8. Hackney Carriage Driver.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 2972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 9. Application for Hackney Carriage/Private Hire Drivers Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 2972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 10. Application for Hackney Carriage/Private Hire Drivers Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 2972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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:**

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<b>LICENSING COMMITTEE</b>	<b>(R) Agenda Item 7</b>
<b>Date of Meeting: 29th July, 2010</b>	
<b>Reporting Officer: Chief Environmental Health Officer</b>	
<b>Title: Sexual Entertainment Venues – Fees</b>	
<b>Summary and Conclusions:</b>	
This report deals with the setting of fees when dealing with applications for Sexual Entertainment Venues.	
<b>Recommendation:</b>	
To recommend the Council to agree that a fee of £2,500 is set for the issue of licences for Sexual Entertainment Venues.	

### Report

Members resolved to adopt the amendments made to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009 to licence sexual entertainment venues with an operative date of 1<sup>st</sup> October, 2010.

Prior to that date it is necessary for the Council to set a fee for such licences.

Currently the Council charges £2,529 for a Sex Establishment Licence. Sex Establishments include Sex Shops and Sex Cinemas. This fee was originally set at £2,000 but has risen over the years to this figure. Licences are renewed annually.

I would suggest that a similar fee to that for a Sex Establishment Licence be set for Sexual Entertainment Venue Licences. As these are new licences I would suggest that the fee be set at £2,500.

### Background Papers

Nil

**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING COMMITTEE**

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

PRESENT:- Councillors D. Roberts (Chairman), Biggins, Flitcroft, Irwin, James, McEwan, Maddox, Pointer, Stephenson and Unwin.

**1 – 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute No. 6) of Part One of Schedule 12A of the said Act.

**2 – Apologies for Absence/Attendance of Substitute Members**

An apology for absence was received from Councillor Callister.

**3 – Minutes**

The Minutes of the meeting held on 22nd April, 2010 were taken as read and confirmed.

**4 – Appointments on Outside Bodies, Panels, Working Groups etc.**

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.

In the case of the Licensing Committee this involved appointments to the Licensing Policy Consultation Working Group - Four Seats (2 Labour: 2 Conservative) and the Taxi/Private Hire Liaison Group - Three Seats (1 Labour: 1 Conservative: 1 Independent).

RESOLVED:- To agree the appointments as follows:-

Licensing Policy Consultation Working Group – Councillors Biggins, Irwin, Flitcroft and James.

Taxi/Private Hire Liaison Group – Councillors D. Roberts, Maddox and Stephenson.

## **5 – Licensing Act 2003 Policy Review**

The Chief Environmental Health Officer submitted a report advising 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.

Section 5 of the Licensing Act 2003 provided 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 was now due to be reviewed.

A review of the current policy was being drafted in partnership with the other Cumbrian authorities. This draft would 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 would be kept informed of developments regarding the consultation of the review of the Statement of Licensing Policy over the coming months. It would 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.

The Chief Environmental Health Officer requested Members authority to call such a special meeting should it be found necessary.

RESOLVED:- (i) To note the information; and

(ii) To authorise the Chief Environmental Health Officer to call a special Council meeting in December 2010 to consider a revised Licensing Policy, should it be necessary do so.

## **6 – Application for a Hackney Carriage/Private Hire Vehicle Drivers 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 J. B. P. 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 J. B. P. attended the meeting and addressed the Committee.

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

## REFERRED ITEMS

### THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

#### **7 – Hackney Carriage/Private Hire Vehicle Drivers Licence Identification Cards**

The Chief Environmental Health Officer submitted a report concerning taxi drivers identification badges which were currently issued every three years compared with taxi driver licences which were issued annually. It was proposed that identification badges were issued annually to bring the authority in line with other Cumbria authorities and to avoid confusion amongst some drivers over the duration of their taxi driver licences.

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

This arrangement had caused confusion on a small number of occasions when taxi drivers had failed to renew their annual licence in the belief that their identification badge demonstrated that they hold the relevant licence. In order to remove the possibility of this type of confusion the Chief Environmental Health Officer was keen for us to fall in line with most of the Cumbrian licensing authorities who had 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 cannot be confused as to when licence renewal applications had to be made and should reduce incidents of taxi drivers operating in breach of the legislation.

The Chief Environmental Health Officer recommended that the Borough Council commence issuing annual identification badges for drivers as part of the annual licence renewal effective from 1st October, 2010 so that all taxi drivers would have annual identification badges and annual licences in place by 30th September, 2011.

It was anticipated that there would be a minor amendment to current financial arrangements as it was considered necessary to increase the current licence fee by £4 to cover the cost of producing the annual badges. Drivers currently paid £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 was considered very modest.

RECOMMENDED:- To recommend the Council:-

- (i) With effect from 1st October, 2010 taxi driver identification badges are issued annually to run coterminous with individual taxi driver licences;
- (ii) The annual fee for taxi driver licences is increased by £4 to take into account production of the annual identification badges; and
- (iii) The current £9 fee required every three years for identification badge production is removed.

The meeting closed at 2.40 p.m.