

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 9th September, 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 29th July, 2010.

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 1. Rebalancing the Licensing Act 2003

RECOMMENDED PART TWO

- (D) 2. Hackney Carriage Driver

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 2972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 3. Application Hackney Carriage/Private Hire Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 2972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 4. Hackney Carriage Driver

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 2972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 5. Application for Private Hire Vehicle/Hackney Carriage Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 2972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 6. Hackney Carriage/Private Hire Vehicle Driver

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 2972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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)
Bell
Callister
English
R Hamezeian
Irwin
James
Millar
Murray
Stephenson
Waiting

BOROUGH OF BARROW-IN-FURNESS
LICENSING COMMITTEE

Meeting: 29th July, 2010
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Biggins, James, McEwan, Maddox, Pointer, Stephenson and C. Thomson.

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

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

<u>Item</u>	<u>Reason</u>
Rebalancing the Licensing Act 2003 (Minute No. 13)	On 28th July, 2010 the Home Office published a consultation document regarding a review of the Licensing Act 2003 to empower local communities on licensing matters. There was only a six week consultation period and government wanted responses to the document. The date of the next meeting was such that it would not be timely to consider the report at that meeting.

9 – 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. 14, 15 and 16) of Part One of Schedule 12A of the said Act.

10 – Disclosure of Interests

Councillor McEwan declared a personal and prejudicial interest in Agenda Item No. 10 – Application for Hackney Carriage/Private Hire Vehicle Driver's Licence as the applicant was a neighbour. He left the meeting during consideration of this item.

11 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Callister, Flitcroft, Irwin and Unwin.

Councillor C. Thomson had replaced Councillor Irwin for this meeting only.

12 – Minutes

The Minutes of the meeting held on 24th June, 2010 were taken as read and confirmed.

13 – Rebalancing the Licensing Act 2003

The Chief Environmental Health Officer drew Members' attention to a recently published Home Office consultation document entitled 'Rebalancing the Licensing Act' concerning a review of the Licensing Act 2003 to empower individuals, families and local communities to shape and determine local licensing.

The consultation set out 17 proposed measures and sought views in relation to the implementation of those measures rather than the proposals themselves. The consultation runs for 6 weeks from 28th July to 8th September, 2010.

The Government was proposing a significant number of measures which were detailed in paragraphs a) – q) in the Executive Summary, attached as an appendix to the report.

As the consultation period was very short, and because of the timing of Committee meetings, the Chief Environmental Health Officer drew attention to the proposals and asked Members of the Committee who wished to make comments in relation to the consultation to forward them to his Department to help compile a response on behalf of the Council. A copy of the document was circulated at the meeting.

RESOLVED:- That Members note the information and forward any comments they may have in respect to the consultation to the Chief Environmental Health Officer as part of the Borough Council's considered response to the consultation, which will be formulated on a countywide basis in a similar way to the review of the current Licensing Policy which was ongoing.

14 – Hackney Carriage Driver

The Chief Environmental Health Officer reported on information concerning a Hackney Carriage Driver, Mr G. M. 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 G. M. had been invited to attend today's meeting but had failed to do so.

RESOLVED:- To agree that consideration of this matter be deferred until the next meeting.

15 – 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. attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant Mr S. R. 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.

16 – 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. W. 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. W. had been invited to attend today's meeting but had failed to do so.

RESOLVED:- To agree that consideration of this matter be deferred until the next meeting.

<p style="text-align: center;">REFERRED ITEMS</p>
--

<p style="text-align: center;">THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION</p>
--

17 – Sexual Entertainment Venues - Fees

The Chief Environmental Health Officer reported that the Council at its meeting on 20th July, 2010 had 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 1st October, 2010.

Prior to that date it was 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 had risen over the years to this figure. Licences were renewed annually.

The Chief Environmental Health Officer suggested that a similar fee to that for a Sex Establishment Licence be set for Sexual Entertainment Venue Licences. As these were new licences he suggested that the fee be set at £2,500.

RECOMMENDED:- To recommend the Council to agree that a fee of £2,500 is set for the issue of licences for Sexual Entertainment Venues.

The meeting closed at 2.40 p.m.

LICENSING COMMITTEE	(D) Agenda Item 1
Date of Meeting: 9th September, 2010	
Reporting Officer: Chief Environmental Health Officer	
Title: Rebalancing the Licensing Act 2003	
Summary and Conclusions:	
This report brings to the attention of Members the Borough Council's response to a recent consultation document issued by the Home Office concerning a review of the Licensing Act 2003.	
Recommendation:	
That the consultation response be noted.	

Report

A report was submitted to the meeting of the Licensing Committee held on 29th July, 2010 concerning a recently published Home Office consultation document concerning a review of the Licensing Act 2003 entitled "Rebalancing the Licensing Act".

It was resolved "that Members note the information and forward any comments they may have in respect of the consultation to my Department as part of the Borough Council's considered response to the consultation, which will be formulated on a countrywide basis in a similar way to the review of the current Licensing Policy which is ongoing".

No comments were received from Members and I wish to bring to Members attention the response to the consultation made on behalf of the Borough Council. This was formulated on a countrywide basis.

A copy of the response is attached as an appendix to this report.