

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 22nd April, 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 11th March, 2010.

Chief Environmental Health Officers' Reports

FOR DECISION

- (R) 1. Sexual Entertainment Venues.

RECOMMENDED PART TWO

- (D) 2. Hackney Carriage/Private Hire Driver

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 3. 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

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

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

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

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 6. Application for Hackney Carriage/Private Hire Drivers Licence

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Membership of Committee

Councillors

D. Roberts (Chairman)
Unwin (Vice Chairman)
Callister
English
Garnett
R Hamezeian
Irwin
James
Millar
Murray
Solloway
Stephenson

For queries regarding this agenda, please contact:

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BOROUGH OF BARROW-IN-FURNESS
LICENSING COMMITTEE

Meeting: 11th March, 2010
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), English, Garnett, R. Hamezeian, Irwin, James, Millar, Solloway and Unwin.

61 – 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. 65, 66, 67 and 68) of Part One of Schedule 12A of the said Act.

62 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Murray and Stephenson.

63 – Minutes

The Minutes of the meeting held on 28th January, 2010 were taken as read and confirmed.

64 – Application for a Street Collection Permit – Variation Policy

The Chief Environmental Health Officer submitted a report he had received from Gillian Bonnell of Truro, Cornwall to hold a street collection in Barrow-in-Furness during their journey kayaking around the coastline of Britain. It was not possible for the applicant to accurately predict when the fundraisers would be in the Barrow vicinity and the proposed collection may, therefore, take place on a date which does not fall on a Friday or Saturday.

He reported that the Council's policy allowed permits to be issued for collections on Fridays and Saturdays only and requested Members to consider varying the policy on this occasion to allow the collection to take place.

RESOLVED:- To agree that the Council's policy be varied to allow the collection to take place with the proviso that the day of the collection does not coincide with a street collection date already allocated.

65 – 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 J. 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 J. G. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant Mr J. G. 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.

66 – Hackney Carriage Driver

The Chief Environmental Health Officer reported on information concerning a Hackney Carriage Driver, Mr W. A. H. 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 W. A. H. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to allow Mr W. A. H. to retain his Hackney Carriage Driver's Licence on the understanding that he received a severe written warning as to his future conduct.

67 – Application for a Hackney Carriage/Private Hire Vehicle Driver's Licence

Referring to Minute No. 59 of the meeting held on 28th January, 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 that consideration of this matter be deferred until the next meeting of the Committee.

68 – 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 J. M. H. 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. M. H. attended the meeting and addressed the Committee. A Police Representative was also present.

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

The meeting closed at 3.10 p.m.

LICENSING COMMITTEE		Part One (R) Agenda Item 1
Date of Meeting: 22nd April, 2010		
Reporting Officer: Chief Environmental Health Officer		
<p>Title: Sexual Entertainment Venues</p> <p>Summary and Conclusions:</p> <p>This report deals with new legislation which enables local authorities to licence sexual entertainment venues, for example lap dancing clubs.</p> <p>Recommendation:</p> <p>That Members agree 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 enable the Borough Council to licence sexual entertainment venues with an operative date of 1st October, 2010.</p> <p>Background Paper: Letter from Home Office Home Office Guidance</p>		

Report

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

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

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

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

The legislation is not mandatory and there are 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 is a requirement that if the legislation is adopted after 6th April 2011, the local authority would have to consult local people about whether they should do so as soon as is reasonably practicable after that date.

I would ask Members 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 is 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. I would therefore suggest that if adopted an operative date for the provisions to come into effect be set at 1st October, 2010.

Background Papers

Nil