

## Minutes of Licensing Committee

Meeting Date: Tuesday, 6 September 2011 starting at 6.30pm  
Present: Councillor J Alcock (Chairman)

Councillors:

|              |           |
|--------------|-----------|
| P Ainsworth  | J Holgate |
| S Brunskill  | S Knox    |
| P Dowson     | R Moores  |
| R Hargreaves | C Ross    |
| K Hind       | G Scott   |

In attendance: Head of Legal and Democratic Services and the Solicitor.

### 306 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors C Bartrop, R Swarbrick and M Thomas.

### 307 MINUTES

The minutes of the meeting held on 14 June 2011 were approved as a correct record and signed by the Chairman.

### 308 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

### 309 PUBLIC PARTICIPATION

There was no public participation.

### 310 REFERENCES FROM OVERVIEW AND SCRUTINY COMMITTEE

There were no references from Overview and Scrutiny Committee.

### 311 LICENSING OF SEX ESTABLISHMENTS

The Council's Solicitor submitted a report which sought approval for a policy and procedure for the determination of applications for sex establishments, standard conditions to be attached to any licences issued and licensing fees.

The Council's Solicitor reminded Committee that the Council had adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which gave it the power to licence and regulate sex establishments which were at that time defined as sex shops and sex cinemas. She pointed out that the Council had never developed any standard conditions to attach to such a licence, even though, to date, none had been granted.

In September 2008, the Home Secretary had announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. Section 27 of the Policing and Crime Act 2009, this had reclassified lap dancing clubs into a new category of sex establishments called 'sexual entertainment venues' and gave local authorities the power to regulate such venues.

In November 2010, Committee had considered a report recommending the adoption of these powers and Committee had recommended the adoption to Full Council and this had been formally agreed by Full Council on 14 December 2010.

Committee considered a copy of the proposed draft policy for the determination of applications for sex establishments. The policy could include statements such as where Committee considered an inappropriate locality for a sex establishment, for example numerous locations included where such an establishment would be deemed inappropriate, such as schools, nurseries and crèches, parks and children's play areas, residential and sheltered accommodation, religious and community buildings, alcohol or entertainment premises etc.

Committee was recommended to approve this draft policy and authorise the Head of Legal and Democratic Services to undertake a 10 week consultation exercise.

A Councillor raised the question of a particular establishment in her ward and the Head of Legal and Democratic Services and the Council's solicitor gave their opinion on this matter.

RESOLVED: That Committee approve

1. the draft policy for the determination of applications for sex establishments and standard conditions and authorise the Head of Legal and Democratic Services to undertake a 10 week public consultation exercise;
2. the scheme of delegation as set out in the Appendix 4 of the report submitted by the Council's Solicitor;
3. the proposed fees set out in the Appendix 2 of the report submitted by the Council's Solicitor; and
4. the draft forms set out in the Appendix 5 of the report submitted by the Council's Solicitor.

312                    **AUDIT OF THE VEHICLES LICENSED BY THE COUNCIL TO ESTABLISH LEVEL OF PROVISION FOR DISABLED USERS**

The Head of Legal and Democratic Services informed Committee about the level of provision for disabled users in the existing licensed hackney and private hire

fleet and asked Committee to consider revising the current practice relating to ELAP seats.

She reminded Members that on 14 June 2011 Committee had considered a report relating to licensing additional hackney carriage vehicles to provide a wheelchair and scooter accessible vehicle. Committee had decided not to review the current policy of retaining the restriction on the number of hackney vehicle licences until they had established exactly what provision existed for disabled people within the fleet of licensed vehicles.

Since Committee had considered this matter a request had been received to review whether or not the use of ELAP seats in hackney carriage vehicles was the most cost effective way to ensure access for users of wheelchairs. Since the Council took the decision to require ELAP seats in some vehicles, additional hackney carriage vehicles had been licensed which were fully wheelchair accessible. It had been suggested by licence holders that the use of a transfer board similar to that used by the NHS could be as efficient as an ELAP seat.

Members were reminded of the provisions of the Equality Act 2010 relating to taxi and private hire vehicles. Their attention was also drawn to Department for Transport guidance on this matter.

It was felt that the use of a transfer board as an alternative for the ELAP seat, whilst appropriate in an NHS context, would be difficult for a local authority to administer due to requirement for training in manual handling etc. Members discussed this matter and also raised concerns about the implications for health and safety, both of passengers and vehicle drivers.

RESOLVED: That Committee

1. note the current level of provision for disabled service users;
2. retain the current requirement for ELAP seats to be reviewed when the Council considers compiling a list for the purposes of the Equality Act 2010; and
3. reject the use of transfer boards.

The meeting closed at 6.40pm. There then followed a training session run by the Head of Legal and Democratic Services in relation to Licensing Sub-Committees.

If you have any queries on these minutes please contact Diane Rice (414418).