

Notice of meeting of

Licensing & Regulatory Committee

To: Councillors Firth, Gillies (Chair), Horton, Looker and Moore (Vice-Chair)

Date: Wednesday, 4 August 2010

Time: 10.00 am

Venue: Guildhall

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 2 July 2010.

3. Exclusion of Press and Public

To consider excluding the public and press from the meeting during consideration of agenda item 5 on the grounds that it contain information relating to the financial or business affairs of a particular person(s). This information is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006.

4. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Tuesday 3rd August 2010.**

5. Proprietorship of Hackney Carriage Vehicle (Pages 5 - 34) Licence.

This report asks Members to consider a claim by a driver of a vehicle licensed as a hackney carriage vehicle, that he being the proprietor of the licensed vehicle, is entitled to have his name entered onto the licence.

6. Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Bootland

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Laura Bootland Democracy Officer

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

City of York Council

Committee Minutes

MEETING	LICENSING & REGULATORY COMMITTEE
DATE	2 JULY 2010
PRESENT	COUNCILLORS GILLIES (CHAIR), HORTON, LOOKER, MOORE (VICE-CHAIR) AND WAUDBY (SUBSTITUTE)
APOLOGIES	COUNCILLOR FIRTH

1. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Looker declared a personal non prejudicial interest that she had known one of the applicants' solicitors in a professional capacity many years ago.

Councillor Waudby echoed Councillor Looker's declaration and added that she too had known the solicitor concerned.

No other interests were declared.

2. MINUTES

RESOLVED: That the minutes of the Licensing and Regulatory Committee held on 5 March 2010 be signed and approved by the Chair as a correct record.

3. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Press and Public be excluded during the consideration of agenda item 5(Application to renew a Hackney Carriage Licence) on the grounds that it contains information relating to the financial or business affairs of a particular person. This informed is classed as exempt under Paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government Act (Access to Information) (Variation Order) 2006.

4. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation scheme, on general issues within the remit of the Committee.

PART A - MATTERS CONSIDERED UNDER DELEGATED POWERS

5. APPLICATION TO RENEW A HACKNEY CARRIAGE VEHICLE LICENCE.

Members were asked to determine the renewal of a Hackney Carriage Vehicle Licence where there was a dispute between two parties as to whose name should be entered on the Licence.

The Council's Head of Licensing Services and a Legal Officer were in attendance. The two parties involved and their legal representatives were also in attendance.

Representations were heard from both parties by the Committee.

In coming to their decision the Committee took into consideration all of the evidence and submissions that were presented to them and determined their relevance to the renewal of the Hackney Carriage Vehicle Licence. The following issues relating to this were taken into account:

- The particular nature of the case in relation to other requests for renewal of Hackney Carriage Vehicle Licences.
- The history and background of the vehicle and its licensing arrangements.
- That the question of vehicle ownership was not contested before the Committee.

RESOLVED: That the licence be granted to the current owner of the vehicle, as the rightful proprietor for vehicle licence plate number 3, and that its issue should be delegated to officers once all appeal opportunities have been exhausted.

REASON: To comply with the Council's legal obligation to determine the applications for hackney carriage vehicle licence renewal.

6. REGULATION OF SEXUAL ENTERTAINMENT VENUES.

[See also under Part B Minutes]

Members considered a report advising Members of the introduction of section 21 of the Policing and Crime Act 2009. They were told that the Act introduces adoptive provisions that allow local authorities to regulate lap

dancing clubs and similar venues under the same regime as sex shops and sex cinemas.

Members felt that there was not a need for a city wide consultation in regards to the licensing of sex entertainment venues.

RESOLVED: That Members resolve to recommend to full council that this authority pass a resolution that amendments made to Schedule 2 of the Local Government (Miscellaneous Provisions) Act 1982 by section 27 of the Policing and Crime Act 2009 shall apply to the administrative area of the City of York from 1 December 2010.

REASON: To provide additional controls for the licensing of lap dancing clubs and other sexual entertainment venues in respect to existing and any potential new establishments.

PART B - MATTERS REFERRED TO COUNCIL

7. REGULATION OF SEXUAL ENTERTAINMENT VENUES

[see also under Part A Minutes]

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REASON: To provide additional controls for the licensing of lap dancing clubs and other sexual entertainment venues in respect to existing and any potential new establishments.

Cllr Gillies, Chair

[The meeting started at 2.05 pm and finished at 3.00 pm].

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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