

## **REGULATORY PANEL**

**WEDNESDAY 20 APRIL 2011 AT 2.00PM**

PRESENT:: Councillor Morton (Chairman), Bell, Cape, Graham, Layden,  
Mrs Parsons, Mrs Robson, Scarborough, Tootle,  
Mrs Vasey and Mrs Warwick (as substitute for Cllr Wilson)

### **RP.28/11 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Hendry and Wilson.

### **RP.29/11 DECLARATIONS OF INTEREST**

There were no declarations of interest submitted for this meeting.

### **RP.30/11 MINUTES OF PREVIOUS MEETINGS**

RESOLVED – That the minutes of the meeting held on 9 February 2011 and 23 March 2011 be agreed as a correct record of the meeting and signed by the Chairman.

### **RP.31/11 AGENDA**

RESOLVED – That agenda item B1 –Hackney Carriage Driver Conviction be taken as the first item of business.

### **RP.32/11 PUBLIC AND PRESS**

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

### **RP.33/11 HACKNEY CARRIAGE DRIVER - CONVICTION** (Public and Press excluded by virtue of Paragraph 7)

The Licensing Officer presented Report GD.34/11 regarding a Hackney Carriage driver who had received a conviction.

The Driver was in attendance at the meeting.

The Assistant Solicitor outlined the procedure the Panel would follow. The Driver confirmed that he had received and understood the Licensing Officer's report. The Assistant Solicitor advised the Driver that he had a right to be represented but he indicated that he did not wish to be so represented.

The Licensing Officer provided details of the applicant's licensing history and outlined the details of the conviction.

The Driver addressed the Panel. He gave his explanation of the circumstances of the events and apologised to the Panel for his appearance before them.

The Licensing Officer reminded the Panel of the relevant Legislation and outlined the options available to the Panel.

The respective parties then withdrew from the meeting whilst the Panel gave detailed consideration to the matter.

RESOLVED – That, having given serious consideration to the matter and taken into account the nature of the driver's conviction and representations made at the Panel, the Panel agreed to take no further action against the driver.

*The meeting moved back into public.*

#### **RP.34/11      SEX ESTABLISHMENT POLICY WORKING GROUP**

RESOLVED – That the minutes of the Sex Establishment Policy Working Group meeting held on 6 April 2011 be noted.

#### **RP.35/11      SEX ESTABLISHMENT POLICY**

The Licensing Manager presented report GD.30/11 regarding the introduction of the Sex Establishment Policy.

The Licensing Manager reported that there had been a number of changes to legislation in respect of Sex Establishment licensing in the last 12 months. Primarily this had been the introduction of a new category called Sexual Entertainment Venues, the procedures for which were adopted by the City Council on 9 November 2010.

The Licensing Manager reminded the Panel that the Council did not have a written policy regarding the application, determination and grant of sex establishment licences. Although the law did not require a policy best practice suggested that having a policy in place would assist the applicant, persons living in the locality of the premises and the licensing authority.

On the 9 February 2011 the Panel had formed a Working Group to consider a draft Policy, oversee the consultation and make recommendations to the Panel.

The Licensing Manager reported that the consultation period commenced on 9 February and ended on 15 April 2011. Three responses had been received, two with no comments and one raising a number of points. The Working Group had, at its meeting on 6 April 2011, considered the responses in detail and asked that their recommendations be incorporated into the Policy before it came before the Panel. A copy of the final draft of the Sex Establishment Policy had been attached to the report with amendments shown in red.

RESOLVED – That the Sex Establishment Policy be adopted.

#### **RP.36/11 PUBLIC AND PRESS**

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minutes) of Part 1 of Schedule 12A of the 1972 Local Government Act.

#### **RP.37/11 HACKNEY CARRIAGE DRIVER/PRIVATE HIRE DRIVER – ALLEGED OFFENCE**

(Public and Press excluded by virtue of Paragraph 7)

The Licensing Manager presented Report GD.32/11 regarding a Hackney Carriage/Private Hire Driver who had been arrested and interviewed with regard to an alleged offence.

The Driver was not in attendance at the meeting.

The Licensing Manager reminded the Panel of the driver's licensing history, previous convictions and recent alleged offence. The Panel had, at their meeting on 23 March 2011, suspended the Driver's Hackney Carriage driver's licence until this meeting, pending the investigation by the Licensing Office in conjunction with the Police, without prejudice to any further action the Panel may take following the outcome of the investigation.

The Licensing Manager then updated the Panel on the investigation.

The Licensing Manager reminded the Panel of the relevant Legislation and outlined the options open to the Panel.

RESOLVED – That, having given consideration to the matter and the update provided and taken into account the nature of the driver's alleged offence and public safety, the Panel agreed to continue suspension of the driver's Hackney Carriage driver's licence until the next meeting of the Regulatory Panel to be held on 1 June 2011, pending the investigation by the Licensing Office in conjunction

with the Police, without prejudice to any further action the Panel may take following the outcome of the investigation.

**RP.38/11      HACKNEY CARRIAGE DRIVER - UPDATE**  
(Public and Press excluded by virtue of Paragraph 7)

The Licensing Manager presented Report GD.31/11 which provided an update with regard to a Hackney Carriage Driver who had been arrested and interviewed with regard to an alleged offence.

The Driver was not in attendance at the meeting.

The Licensing Manager provided details of the driver's licensing history and recent alleged offence. He added that he had suspended the driver's Hackney Carriage driving licence on 28 January 2011 and reminded the Panel that they had agreed, at their meeting on 23 March 2011, to continue the suspension until this meeting, pending the investigation by the Licensing Office in conjunction with the Police, without prejudice to any further action the Panel may take following the outcome of the investigation.

The Panel adjourned briefly to give the Licensing Manager the opportunity to call the Detective Constable in charge of the case for an update. The Licensing Manager reported back that the Crown Prosecution Service were charging the driver with an offence

The Licensing Manager reminded the Panel of the relevant Legislation and outlined the options available to the Panel.

**RESOLVED** – That, having given consideration to the matter and the update provided and taken into account the nature of the driver's alleged offence and public safety, the Panel agreed to continue suspension of the driver's Hackney Carriage driver's licence until such time that the case is dealt with by the Court.

(The meeting ended at 2.30pm)