

REGULATORY PANEL

WEDNESDAY 1 JUNE 2011 AT 2.00PM

PRESENT: Councillors Bell, Cape, Craig (as substitute for Cllr Mrs Robson)
Mrs Franklin, Layden, Morton, Mrs Parsons, Stothard (as
substitute for Cllr Wilson) Tootle, Mrs Warwick and Whalen.

RP.39/11 APPOINTMENT OF CHAIRMAN

It was moved and seconded that Councillor Morton be appointed as Chairman of the Regulatory Panel for the municipal year 2011/12.

RESOLVED – That Councillor Morton be appointed as Chairman of the Regulatory Panel for the municipal year 2011/12. Councillor Morton thereupon took the Chair.

RP.40/11 APPOINTMENT OF VICE CHAIRMAN

It was moved and seconded that Councillor Mrs Parsons be appointed as Vice Chairman of the Regulatory Panel for the municipal year 2011/12 . . .

Following voting thereon it was:

RESOLVED – That Councillor Mrs Parsons be appointed as Vice Chairman of the Regulatory Panel for the municipal year 2011/12.

RP.41/11 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Nedved, Mrs Vasey, Mrs Robson and Wilson.

RP.42/11 DECLARATIONS OF INTEREST

There were no declarations of interest submitted for this meeting.

RP.43/11 MINUTES OF PREVIOUS MEETINGS

RESOLVED – That the minutes of the meeting held on 20 April 2011 be noted.

RP.44/11 REVIEW OF CHARGES – SEX ESTABLISHMENTS

The Licensing Manager presented report GD.42/11 regarding the proposed fees and charges in respect of Sex Establishment licensing.

The Licensing Manager reminded the Panel of the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which allowed local authorities to regulate lap dancing and similar entertainment. Carlisle City Council adopted the new legislation on 9 November 2011 to come into effect on 1 June 2011.

The Licensing Manager outlined the current fee structure, explaining that the City Council had only licensed one sex establishment in the previous 20 years. The new legislation did not provide any guidance as the level of fees and it was open to the licensing authority to determine what a reasonable fee was without making a profit from the fees charged.

It was expected that at least one application would be made for a sexual entertainment venue following the change in legislation. Such premises tend to open for only a limited period and in the majority of cases would also be licensed under the Licensing Act 2003. The Licensing Manager stated that Members may consider that in view of the reduced opening hours, other licences held and other avenues of enforcement open to the authority, it would be proportionate to have an alternative fee structure for such premises.

The Licensing Manager outlined the suggested fee structure for sex establishments to be put into place with effect from 1 June 2011:

Application for full licence	£6639
Application for reduced licence (up to 24 hours per week licensed hours)	£3320
Renewal (80% of the grant fee)	
Variation (50% of the grant fee)	
Transfer	£1000

The suggested fee structure recognised the difference in operating between shops, cinemas and SEV's, and also that cinemas and SEV's required an additional licence under the Licensing Act 2003 for entertainment and the sale of alcohol.

RESOLVED – That the following fee structure be adopted for applications in respect of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982 to take effect on 1 June 2011:

Grant of full licence	£6639
Grant (up to 24 hours per week licensed hours)	£3320
Renewal (80% of the grant fee)	
Variation (50% of the grant fee)	
Transfer	£1000

RP.45/11 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.46/11 HACKNEY CARRIAGE DRIVER – MOTORING COMPLAINTS AND INTERVIEW

(Public and Press excluded by virtue of Paragraph 2)

The Licensing Manager had submitted report GD.38/11 regarding a Hackney Carriage Driver who had received two complaints.

The Driver was not in attendance at the meeting.

The Licensing Manager explained that the Driver surrendered his Hackney Carriage Driver's licence to the Licensing Office on 31 May 2011 and has also withdrawn his appeal against his previous revocation. He was no longer a Hackney Carriage Driver and as a result report GD.38/11 had been withdrawn

RP.47/11 HACKNEY CARRIAGE DRIVER/PRIVATE HIRE DRIVER – ALLEGED OFFENCE

(Public and Press excluded by virtue of Paragraph 7)

The Licensing Manager presented Report GD.39/11 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 20 April 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 updated the Panel on the investigation and read out a statement from the Driver.

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 6 July 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.48/11 CHIARMAN'S COMMENT

The Licensing Manager introduced Mrs Susan Stashkiw to the Panel. Mrs Stashkiw had been appointed as the new part time Licensing Officer for the authority.

(The meeting ended at 2.11pm)