

**LICENSING REGULATORY  
COMMITTEE**

**1.00 P.M.**

**2ND SEPTEMBER 2010**

**PRESENT:-** Councillors Tony Wade (Chairman), Mike Greenall (Vice-Chairman), Ken Brown, Chris Coates, John Day, Sheila Denwood, Melanie Forrest, Tony Johnson and Robert Redfern

Officers in attendance:-

Luke Gorst	Assistant Solicitor
Caroline Morrison	Senior Licensing Officer
Tom Silvani	Democratic Services

**26 MINUTES OF THE MEETING HELD ON 22 JULY 2010 (PREVIOUSLY CIRCULATED)**

The minutes of the meeting held on 22 July 2010 were signed by the Chairman as a correct record.

**27 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN**

There were no items of urgent business.

**28 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**29 REVIEW OF RULES, REGULATIONS AND PROCEDURES FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Senior Licensing Officer presented a report to seek members' approval of the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing.

Members were reminded that at the Licensing Regulatory Committee meeting held on 10 June 2010 the Licensing Manager produced a draft document that was intended to update the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing. The purpose of the update was to consolidate all information into one document which could then be issued to all licensed drivers, proprietors and operators. The document clarifies the rules and regulations for the benefit of drivers, operators and proprietors as well as licensing officers.

Following the meeting consultation with members of the trade took place and representations were received. Officers were of the opinion that while not all the points covered in the representations were relevant to the consultation there were four main points which were covered in the report.

Members considered a revised version of the document produced following consideration of the representations, a summary of the proposed amendments was also attached to the report.

Members asked questions regarding the proposed amendments and sought clarification on several points.

It was advised that should members be minded to approve the proposed amendments there would be implications for the next report on the agenda 'Introduction of Livery for Hackney Carriage Vehicles'. If the 10 year age limit for licensed vehicles were removed from the guidelines this would have to be taken into account when considering the introduction of livery for hackney carriage vehicles.

Members were advised that should they be minded to approve the proposed amendments licensing officers would wish the policy to take effect immediately. It was acknowledged that some proprietors may have ordered vehicles that would not comply with the minimum specification, therefore, exceptions would be permitted where a proprietor was able to demonstrate that a vehicle was ordered before 6 September 2010.

It was proposed by Councillor Wade and seconded by Councillor Grenall:-

- (1) "That the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing be approved."

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposition to be carried.

**Resolved:**

- (1) That the proposed changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing be approved.

### **30 INTRODUCTION OF LIVERY FOR HACKNEY CARRIAGE VEHICLES**

The Senior Licensing Officer presented a report to seek members' approval for the introduction of a livery for hackney carriage vehicles.

Members were reminded that at the Licensing Regulatory meeting on 10 June 2010 the Licensing Manager had asked for the committee's approval to carry out a consultation with members of the trade about the introduction of a livery for hackney carriage vehicles.

Members considered the representations which had been received by members of the trade which were attached to the report. These consisted of three representations made in objection to the introduction of livery, and 2 which made recommendations should the livery be introduced.

Members discussed the implications of the introduction of livery and asked questions of the Senior Licensing Officer regarding other licensing authorities which had introduced livery.

It was advised that should a livery be introduced there would be a transitional period where existing hackney carriage vehicles were not required to conform to the council's adopted livery, but this was considered inevitable.

The committee agreed in principal that they were in favour of a livery and discussed the different colours which could be adopted.

Members discussed the possibility of using yellow, but it was advised that several manufacturers which were popular for hackney carriage vehicles did not provide yellow vehicles.

Black and white were considered the best choices as with other colours there would be lots of different shades which could lead to inconsistency in the livery. It was advised that many other licensing authorities had adopted white as a livery colour. The committee agreed that white would be their preferred colour but that this should be subject to consultation with the trade.

Members discussed the implications of changes to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing. It was advised that as licensed vehicles were now permitted to be over 10 years old, a time limit may have to be introduced within which all hackney carriage vehicles must be the specified colour, this could be set by licensing if the new conditions were agreed.

It was proposed by Councillor Wade and seconded by Councillor Greenall:-

- “(1) That the committee approve the introduction of a licence condition that all new and replacement hackney carriage vehicles be a specified colour, and a consequential licence condition that no new or replacement private hire vehicles shall be that colour, subject to consultation with members of the trade regarding the chosen colour.”

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposition to be carried.

**Resolved:**

- (1) That the committee approve the introduction of a licence condition that all new and replacement hackney carriage vehicles be a specified colour, and a consequential licence condition that no new or replacement private hire vehicles shall be that colour, subject to consultation with members of the trade regarding the chosen colour.

**31 ADOPTION OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009**

The Senior Licensing Officer presented a report to inform members of the amendments to the Local Government (Miscellaneous Provisions) Act 1982 with regard to the licensing of sex establishments, introduced by the Policing and Crime Act 2009, and to enable the Committee to make recommendations to Council to make the appropriate resolution to apply new provisions in the district.

Members were advised that in September 2008 the then Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area.

In order to address this issue Section 27 of the Policing and Crime Act 2009 (the 2009 act) reclassifies lap dancing clubs and similar establishments into a new category of Sex Establishments called a 'Sexual Entertainment Venue' (SEV) and gives local authorities in England and Wales the power to regulate such venues.

Members were advised that the amendment did not give premises automatic entitlement to operate within the area, rather it provides the council with the means by which applications can be properly determined. Furthermore, it would provide the council with the means to refuse an application on wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in the Lancaster district.

The Senior Licensing Officer explained the details of the amendments to the committee.

The committee were advised that if they were minded to make recommendations to Council to make the appropriate resolution, the issue could be considered at the next meeting of Council scheduled for 15 September 2010. The Council would then be required to publish a notice that it had passed the resolution for two consecutive weeks in a local paper, the first publication must not be later than 28 days before the day specified in the resolution for the provisions to come into force.

It was noted that if the council had not adopted the new legislation by the 6 April 2011, Section 27 of the 2009 Act placed an obligation on the Council to undertake a public consultation exercise to ascertain whether it should do so.

The committee asked questions of the Senior Licensing Officer regarding the details of the amendments to the act.

It was proposed by Councillor Wade and seconded by Councillor Day:-

- (1) "That the committee recommend that Council resolve under Section 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act as amended by Section 27 of the Policing and Crime Act 2009 is to apply to the area of the Council from 1 November 2010, and that the Head of Legal and Human Resources be authorised to arrange for the publication of notices as required by Section 2(2) of the 1982 Act."

Upon being put to the vote members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposition to be carried.

**Resolved:**

- (1) That the committee recommend that Council resolve under Section 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act as amended by Section 27 of the Policing and Crime Act 2009 is to apply to the area of the Council from 1 November 2010, and that the Head of Legal and Human Resources be authorised to arrange for the publication of notices as required by Section 2(2) of the 1982 Act.

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Chairman

(The meeting ended at 1.55 p.m.)

**Any queries regarding these Minutes, please contact  
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tsilvani@lancaster.gov.uk**