



Minutes of the meeting of the REGULATORY COMMITTEE held on WEDNESDAY 21 MARCH 2012 at 17.40 pm

Present: Councillor Burke (Chair)
Councillors Barry, Bradburn, Box, Exon, Kennedy, McKenzie and Tamagnini-Barbosa

Officers: P Winsor (Assistant Director [Regulatory Services]), N Allen (Compliance Manager), E Fisher (Senior Licensing Officer), J Setchell (Principal Solicitor) and D Imbimbo (Committee Manager).

Apologies: Councillors Clarke, Fraser, Hoyle and Wright

Number of Public Present: 6

RC22 MINUTES

RESOLVED -

That the Minutes of the meeting of the Licensing Committee held on 21 December 2011 be approved and signed by the Chair as a correct record.

RC23 RENEWAL OF STREET TRADING CONSENT – BEST KEBABS

The Committee considered a report in respect of an application for a renewal to a six hour street trading consent in respect of Fishermead Boulevard, Fishermead granted to 'Best Kebabs for the past two years between 5pm and 11pm daily.

The Committee heard that the application had been deferred by the Committee on 21 December 2011 in a bid to negotiate an alternative location for the trader to operate from due to the representations made to them. It was reported by the Assistant Director – Regulatory Services that these negotiations had proven unsuccessful and an alternative site had not been identified.

The Committee heard that the trader had sought to address the litter issues by placing signs on the highway and employing a Parking Marshall to address the parking problems.

The Committee heard that the trader had been trading for in excess of 15 years without recorded complaint, but had now received a complaint from a local resident and the Parish Council due to congestion from vehicles parking and smells from the cooking, these problems had persisted.

The Committee recognised that the trader had been in situ for many years and was established on the site and being required to move could have a negative impact on his business

A motion to grant the renewal was moved by Councillor Exon, this was seconded by Councillor Tamagnini-Barbosa before being put to the vote and it was;

RESOLVED –

That the application be granted with the same conditions as previously applied.

RC24

STREET TRADING IN BROUGHTON

The Committee considered a report in respect of the outcome of a consultation exercise to amend the existing constraints on street trading by mobile vendors in Broughton.

The Committee heard that no objections to the proposals had been received and it was recommended that the streets listed below be added to the Councils list of prohibited streets with effect from 20 May 2012.

Dean Forest Way

London Road

Oxenhope Way

Tanfield Lane

Swannick Lane

Kelling Way

Bewdley Grove

Oakworth Avenue

Cavan Way

A motion in support of the Officers recommendation was moved by Councillor Barry and seconded by Councillor Exon before being put to the vote and it was;

RESOLVED –

That the Officers recommendation be approved and the streets listed in the Committee report, and as set out above, be added to the Councils list of prohibited streets with effect from 20 May 2012.

RC25**CRB CHECKS FOR HACKNEY CARRIAGE AND PRIVATE HIRE APPLICANTS**

The Committee considered a report in respect of whether the Regulatory Committee considered it appropriate that all new applications and renewals for drivers licences requiring a Criminal Records Bureau (CRB) check should be at the highest level of disclosure – enhanced

The Committee heard that currently a check is carried out but to the 'standard' level, it was recommended that all applicants for Hackney Carriage or Private Hire Licences are required to apply for an enhanced CRB disclosure check to ensure that every reasonable measure was taken to ensure public safety. The Committee noted that the difference in cost between the two standards of check was £18 but that the Enhanced disclosure involves an additional level of checking to those carried out for the Standard CRB check by cross referencing to local police records. Where these records contain additional information that may be relevant to the position the applicant is being considered for, then Chief Officer of Police may release the information for inclusion in an Enhanced check. Standard checks no longer include a check of the old or new barred lists from 12 October 2009

A motion in support of the Officers recommendation was moved by Councillor Box and seconded by Councillor Kennedy before being put to the vote and it was;

RESOLVED –

That all applicants for Hackney Carriage or Private Hire Licences be required to apply for an enhanced CRB disclosure check.

RC26**APPLICATION - SEX ESTABLISHMENT LICENCE – SEXUAL ENTERTAINMENT VENUE**

The Committee considered a report in respect of an application for a Sex Establishment Licence – Sexual Entertainment Venue at Phoenix Gentleman's Club, Leisure Plaza, Central Milton Keynes.

The Committee heard that if granted it will permit the provision of 'relevant entertainment' in a Sexual Entertainment Venue (SEV), between the hours of 8pm and 4am the following morning Monday through to Saturday.

Under the transitional arrangements, if the Committee is minded to grant the licence, it will not come into force until the third appointed day which is the 14 April 2012. The Phoenix Gentlemen's Club will be permitted to operate under its Licensing Act 2003 premises licence effectively as strip club until the 14 April 2012, whereupon the relevant entertainment will be regulated under the Miscellaneous Provisions Act 1982.

The Assistant Director (Regulatory Services) recommended that the application be granted in the terms of the Committee report.

A motion in support of the Officers recommendation was moved by Councillor Barry and seconded by Councillor Tamagnini-Barbosa before being put to the vote and it was;

RESOLVED -

That the application be granted in the terms of the Committee report.

RC27

SEXUAL ESTABLISHMENT LICENCE APPLICATIONS – LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

The Committee considered a report in respect of a request from the Assistant Director – Regulatory Services that the authority to determine contested Sex Establishment Licence applications be delegated to Regulatory Sub-Committee and the authority to grant non-contested Sex Establishment Licence applications be delegated to officers.

The Committee noted that this would allow such applications to be dealt with in a more expedient manner and thus remove unnecessary delay.

It was recommended that the Regulatory Sub-Committee be delegated the authority to determine contested Sex Establishment Licence applications and that officers be delegated the authority to grant Sex Establishments Licence applications where there have been no representations or representations had been withdrawn.

A motion in support of the Officers recommendation was moved by Councillor Burke and seconded by Councillor Kennedy before being put to the vote and it was;

RESOLVED –

1. That the Regulatory Sub-Committee be delegated authority to determine contested Sex Establishment Licence applications.
2. That officers be delegated authority to grant Sex Establishments Licence applications where there have been no representations.

RC28

STREET TRADING - CONSENT STREETS IN MILTON KEYNES

The Committee considered a report in respect of a proposal to review the current approach to designating Consent Streets throughout Milton Keynes.

The Committee heard that it was recommended that a borough wide consultation with the relevant stakeholders be undertaken with a view to designating all adopted highways as Consent Streets unless they are Prohibited Streets, or subject to a time weighted exemption e.g. community event

The Committee heard that the rationale for undertaking the consultation was firstly because the current ad hoc method of adding new streets to the list of Consent streets following justified complaints /member representations consumes considerable officer time and the cost of Public Notices in a local newspaper. Such actions may have to be repeated shortly after a previous sequence in some circumstances. Secondly, there was currently one regime for the evening /night time mobile food traders and another of no constraints or costs for the daytime operations by mobile food traders which was inequitable

The Committee heard that the Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – Street Trading, that allows streets to be designated as ‘Prohibited’ or ‘Consent’ for street trading purposes.

The Committee heard that research has indicated that a borough wide approach has been adopted by neighbouring authorities – South Northamptonshire Council and Northampton and Bedford Borough Councils and the arrangements adopted.

A motion in support of the Officers recommendation was moved by Councillor Exon and seconded by Councillor Tamagnini-Barbosa before being put to the vote and it was;

RESOLVED –

That a borough wide consultation with the relevant stakeholders be undertaken with a view to designating all adopted highways as Consent Streets unless they are Prohibited Streets, or subject to a time weighted exemption e.g. community event etc..

THE CHAIR CLOSED THE MEETING AT 7:09 PM