

Minutes

Name of meeting	LICENSING AND GENERAL PURPOSES COMMITTEE
Date and time	MONDAY, 6 DECEMBER 2010 COMMENCING AT 4.00 PM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Susan Scoccia (Chairman), Paul Fuller, Colin Richards, Arthur Taylor, Jerry White, David Williams
Officers Present	Julie Martin, April Ross, Justin Thorne, Kevin Winchcombe
Apologies	Cllrs Jonathan Bacon, Ivan Bulwer, Heather Humby

8. [Minutes](#)

RESOLVED :

THAT the Minutes of the meeting held on [31 August 2010](#) be confirmed.

9. **Declarations of Interest** (Recording [\(1\)](#) and [\(2\)](#))

Councillors Paul Fuller and David Williams declared a personal interest in Minute 10, as they knew members of the appeals panel.

Councillor Susan Scoccia declared a personal interest in Minute 11(a), as she used a taxi firm on a regular basis.

Councillor Paul Fuller declared a personal interest in Minute 11(a), as a taxi proprietor was one of his constituents.

10. **Report of the Head of the Director of Corporate Services and Monitoring Officer**

[Appointments to Independent Education Appeals Panels](#)

The Committee was advised that in respect of the schools for which the council was the admissions authority, the council had a statutory duty to provide an appeals process for parents in accordance with the School Admission Appeals Code. The School Standards and Framework Act 1998 and the School Admission Code provided that independent appeal panels must be made up of three or five members and comprise of at least one from specific categories. An outline of how panel members were recruited was given.

Members were told that there had been a number of occasions recently when officers had experienced difficulty in finding panel members who were available

when required. Due to school re-organisation currently taking place, it was anticipated that by July 2011 the council would have to deal with three years worth of appeals for secondary schools for the September 2011 intake. Permission was sought to put in place a system whereby suitable individuals who were outside the pool of members, fully trained members of mainland panels, may sit on a panel when attempts had failed to find members from within the existing pool.

It was proposed that the appointment process be streamlined by delegating to the Director of Corporate Services the authority to make appointments to the panel subject to the agreement of the relevant Cabinet members and Scrutiny Panels Chair. It was noted that to date panel members had not been appointed for a specific duration and it was proposed to regularise this by appointing for a four year period. Those members who were presently appointed could, if they wished, have their appointment renewed for a further four year period.

RESOLVED :

- (i) THAT the Director of Corporate Services be authorised to appoint a person from outside of the pool of Education Appeal Panel members to an Education Appeal Panel in the event that officers were unable to constitute a panel using the existing pool of trained members, subject to that person having received training and being otherwise suitable in accordance with the Code or Guidance.
- (ii) THAT the Director of Corporate Services be authorised to make appointments to the pool of Education Appeal Panel members subject to the agreement of the list by the relevant Cabinet member and relevant Scrutiny Panel Chair.
- (iii) THAT appointments to the list of Education Appeals Panel members should be for a period of four years and termination dates for existing members should be set as indicated on the schedule in the Appendix attached to the report. Appointments may be renewed for a further four year period where the individual is happy to continue and still meets the criteria under the Code or Guidance.

11. Reports of the Head of Community Safety Service

(a) [Determination of the Table of Fares in Respect of Hackney Carriages](#)

Members were reminded that at a meeting of the committee held in November 2008, it was decided that a fare review should be carried out annually.

The Committee was told that contact had been made with all hackney carriage and private hire proprietors and their opinion sought on the current table of fares. To date there had been no public consultation, but if the committee decided that the table of fares should be amended, a public consultation would be carried out in accordance with the Act.

A request to increase the percentage which could be charged for payments by credit or debit cards had been received. Currently the fee was up to three percent, with the request for an increase to ten percent.

RESOLVED

THAT the existing table of fares be amended by increasing the maximum charge for payment by debit or credit cards from 3% to 10% of the total for the journey.

(b) [Adoption of Licensing of Sex Establishments Policy](#)

The Committee was advised that following the introduction of the Policing and Crime Act 2009, local authorities were required to re-adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 if they wanted the new provision relating to the licensing of sex entertainment venues to be effective in their area.

Section 27 of the Policing and Crime Act 2009 amended Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of sex establishment called 'sexual entertainment venue', which would allow local authorities to regulate lap dancing clubs and other similar venues or types of entertainment.

Local authorities would have more powers to control the number and location of lap dancing clubs and similar venues in their area. Those powers were not mandatory and would only apply where they were adopted by local authorities. Where adopted, the provisions would allow local authorities to refuse an application on potentially wider grounds than could be sustained under the Licensing Act 2003 and would give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

Members were reminded that on 2 June 2010 the Committee had determined to adopt the amended Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 and that a Licensing of Sex Establishment Policy be produced.

RESOLVED:

THAT the draft Sex Establishment Licensing Policy be approved.

CHAIRMAN