

Minutes of a Meeting of the Miscellaneous Licences Panel held on Tuesday 26 October 2010 at City Hall, Bradford

Commenced 1710
Concluded 1740

PRESENT – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT
V Greenwood	Robertshaw	Chadwick
Lee		
Wainwright		

Apologies: Councillors Ellis and Mallinson

Councillor V Greenwood in the Chair

1. DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

2. MINUTES

Resolved -

That the minutes of the meeting held on 8 September 2009 be signed as a correct record.

3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.



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BRADFORD METROPOLITAN DISTRICT COUNCIL

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



4. **APPLICATION FOR THE REGISTRATION OF LAND AS A TOWN OR VILLAGE GREEN AT ELLCLIFFE QUARRIES, TO THE NORTH OF IVY LANE, ALLERTON, BRADFORD**

The Assistant Director, Corporate Services (City Solicitor) presented a report (**Document "A"**) which explained that an application had been received for the registration of an area of land known as land at Ellcliffe Quarries, to the north of Ivy Lane, Allerton, Bradford as a village green. The application was founded upon the use of the land for lawful sport and pastimes for a period of at least 20 years. It was noted that the Council as the Registration Authority was responsible for the determination of the application.

Members were informed that an independent barrister had been appointed to act as an Inspector to advise the Council. An objection had been received from the solicitors acting for the two private landowners and a prospective developer of the land and from another private landowner whose land adjoined the site. A Public Inquiry was held on 19, 20 and 21 October 2010 where evidence in support and against the application was presented. A lengthy report had then been compiled by the Inspector which set out the recommendations to the Panel. Further representations had been made by the solicitors acting for the landowners and a subsequent report was issued by the Inspector in which the points raised were noted, however, the original recommendations were not altered. The only amendment was to exclude the route of a public footpath.

In conclusion the Assistant Director, Corporate Services (City Solicitor) recommended that Members approve the application for the reasons set out in the Inspectors report.

The applicant was present at the meeting and stated that 150 letters of support had been received from local residents stating that they used the land. It was also suggested that other residents had informed the applicant that they used the land, however, they had not confirmed it in writing. It was noted that the land was constantly used.

In response to a Member question as to why there had not been an earlier application to register the land as a village green, the applicant confirmed that the issue had not arisen until an application regarding an access road had been submitted and approved. Residents then feared their use of the village green would be lost and had realised that an application could be submitted for residential development on the land, therefore action had been undertaken in relation to the registration of the land as a village green.

At this point in the proceedings the Panel passed the following resolution in order to facilitate consideration of evidence.

Resolved -

That the public be excluded from the meeting during discussion of the item relating to Ellcliffe Quarries village green application, on the grounds that it is likely, in view of the nature of the proceedings, that if they were present, exempt information within Paragraph 5 (Legal Privilege) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and it is considered that, in all the circumstances, the public interest in allowing the public to remain is outweighed by the public interest in excluding public access to the relevant part of the proceeding for the following reason:

It is in the overriding interests of proper administration that Members are made fully aware of the legal implications of any decision without the risk of prejudice to the Council's case in any future legal proceedings that may be initiated.

At this point, 17.30 hours, the meeting resumed in a public session.

Resolved –

That Members accept the recommendations of the Inspector appointed to consider the evidence in relation to a village green application for land known as land at Ellcliffe Quarries, to the north of Ivy Lane, Allerton, Bradford and accept the application for the reasons set out in the Inspector’s Report dated 8 March 2010 subject to the minor adjustments specified in his Revised Report dated 10 July 2010.

ACTION: Assistant Director, Corporate Services (City Solicitor)

5. POLICING AND CRIME ACT 2009 – SECTION 27

The Assistant Director, Corporate Services (City Solicitor) presented **Document “B”** which requested that Members considered the adoption of amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. He reported that the new legislation would introduce more stringent controls and would need to be adopted by Full Council, if Members were minded to approve the recommendations. Proposed standard conditions were also submitted as Appendix 1 to **Document “B”**.

During the discussion Members agreed that the amendments should be adopted and that their approval should be recommended to Full Council.

Resolved -

- (1) That the Panel recommends that Council adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, and authorise the Assistant Director Corporate Services (City Solicitor) to complete all necessary legal procedures to formalise and advertise such adoption.**
- (2) That if Council resolves to adopt the new provisions, the Assistant Director Corporate Services (City Solicitor) be authorised to:**
 - a) adopt on behalf of the Council proposed standard conditions for sexual entertainment venues attached at Appendix 1; and**
 - b) implement the proposed licence fee of £5658 for sexual entertainment venues and from time to time increase that fee in line with inflation where deemed necessary.**

ACTION: Assistant Director, Corporate Services (City Solicitor)

Chair

Note: These minutes are subject to approval as a correct record at the next meeting of the Panel.