

Monday 19 July 2010
at 6.00pm



Licensing Act Committee

MEMBERS: Councillor PURCHESE (Chairman) Councillor SZANTO (Deputy Chairman), Councillors BELSEY, BLOOM, GOODYEAR, Ms HOUGH, Mrs POOLEY, Mrs SALSBURY, TAYLOR, Mrs TARRANT, THOMPSON and Miss WOODALL.

(Apologies for absence were reported from Councillors Mrs Goodall, Goodwin and Mrs Madell).

1 Minutes.

The minutes of the meeting held on 11 November 2009 were submitted and approved and the Chairman was authorised to sign them as a correct record.

2 Declaration of Interests.

None were received.

3 Licensing Policy Statement.

The Committee considered the report of the Licensing Manager regarding the Council's draft Statement of Licensing Policy for 2011-2013.

The current Licensing Policy Statement had been published in January 2008 and detailed the principles that the Licensing Authority will generally apply in order to promote the Licensing Objectives when making decisions on applications under the Act. The Council was required to review the policy in its entirety and re-publish the contents at least every 3 years.

The Policy had been revised to reflect changes in legislation, statutory guidance and local practice and to ensure its contents were accessible. The significant changes in the policy related to cumulative impact, trading hours, additional mandatory licensing conditions, reviews and the appeals process.

The Committee discussed the additional mandatory conditions relating to irresponsible marketing of alcohol that applied to all licensed premises from April 2010. The Licensing Manager advised the Committee of the definition of an irresponsible drinks promotion and that many licensees had contacted the team for advice.

She reported that off licenses continued to be targeted as part of the on-going work to reduce the opportunity for under age drinking and to promote

the responsible selling of alcohol. She referred to the Scrutiny Review of alcohol and young people which had focussed on the key issues including tackling underage sales and the importance of education and enforcement alongside an overall need to improve youth services and activities.

The Committee was updated on the significant work being undertaken with statutory partners in relation to alcohol abuse including the development of treatment services, engagement and education of young people to encourage safer socialising and the development of the Street Pastor Scheme.

The Council was required to consult interested parties as to the form and content of the Policy Statement and would include statutory partners, responsible authorities and businesses involved in the licensed trade. Feedback would also be invited via the Council's website. The Licensing Manager advised the Committee that to generate interest and feedback various social network sites would be used and that she would be attending meetings of the Hotels Association, the Chamber of Commerce and various other local groups. She welcomed the opportunity to address any other groups suggested by Members.

The Committee discussed measures to encourage greater feedback and whether the sections of the policy most relevant to particular premises could be highlighted within the consultation information. The Licensing Manager confirmed that all licensees would be invited to comment on the Policy via letter or e-mail and sent a questionnaire to complete.

A timetable for the consultation which was proposed between July and October was detailed in the report. The Policy Statement would be submitted to the October meetings of this Committee and Cabinet for consideration prior to being submitted to full Council for approval in November.

The Committee welcomed the report and thanked the Licensing Manager and her team for their work to produce a comprehensive policy document.

RESOLVED: That the report be noted and the draft Statement of Licensing Policy be approved for public consultation.

4 Sex Establishment Policy.

The Committee considered the report of the Licensing Manager regarding provisions under the Policing and Crime Act 2009 to enable greater control of sex establishments.

In response to the increase nationally in the number of lap dancing clubs and similar premises and the call for further controls to be introduced, the Government had introduced new legislative provisions under the Policing and Crime Act which had come into effect on 6 April 2010. Sex establishments had been reclassified as Sexual Entertainment Venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The new category of premises would require a licence and the legislation, if

adopted, provided the Licensing Authority with greater control over such venues.

Under the new legislation local residents could oppose applications for sex entertainment venues and Local Authorities could reject an application if it was considered that a venue would be inappropriate given the character of an area. A local authority could determine the appropriate number of sex establishments for a particular area and impose a wider range of conditions. The Committee was advised that premises providing sexual entertainment on no more than eleven occasions a year were not required to be registered as a sexual entertainment venue.

Currently, any representations made against a premises licence application for a venue providing lap dancing and similar entertainment could only be considered within the context of the four licensing objectives set out in the Licensing Act 2003.

Details of the transitional period for the implementation and application process for new venues were set out in the report. It was noted that fees for licensing sex entertainment venues would be set locally having regard to the cost of implementation, administration and enforcement of the provisions.

A draft Sex Establishment Policy was appended to the report and it was proposed that interested parties be consulted on the contents of the proposed Policy. The draft Policy set out the relevant factors that will be considered in determining the relevant character of the locality in respect of each application and would assist applicants, interested parties and statutory consultees regarding the matters the Authority will take into account when determining applications.

The Sex Establishment Policy would be submitted to the October meetings of this Committee and Cabinet for consideration prior to being submitted to full Council for approval in November.

RESOLVED: (1) That this Committee supports the adoption of the relevant provisions of the Policing and Crime Act 2009 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

(2) That the draft Sex Establishment Policy be released for public consultation.

The meeting closed at 7.00 p.m.

**D Purchase
Chairman**