

LICENSING COMMITTEE

24 January 2011

10.00 - 10.35 am

Present: Councillors Smith (Chair), Rosenstiel (Vice-Chair), Hart, McGovern, McPherson, Pogonowski, Saunders, Stuart and Znajek

Officers Present:

Environmental Health Manager – Yvonne O'Donnell

Solicitor – Carol Patton

Committee Manager – Martin Whelan

FOR THE INFORMATION OF THE COUNCIL

11/1/licf Apologies for absence

Apologies for absence were received from Councillors Benstead, Boyce and Shah.

11/2/licf Declarations of Interest

There were no declarations of interest.

11/3/licf To approve the minutes of the meeting held on 11th October 2010

The minutes of the meeting held on 11th October 2010 were approved as a true and accurate record.

11/4/licf Review of delegations under the Gambling Act 2005

The committee received a report from the Head of Refuse and Environment regarding the review of delegations under the Gambling Act 1995.

The committee asked the following questions regarding the report

- i) Clarification was requested on why a different approach was proposed on the cancellation of club gaming/club machine permits to the same type of permits relating to licensed premises.
- ii) Clarification was also requested on why certain provisions were delegated only to officers.

In response to points i) and ii) the Legal Advisor confirmed that the table included in the committee report, replicated the statutory guidance but that it related to the minimum level of permitted delegation and that the committee could raise the minimum level at its discretion.

- iii) Officers confirmed that the provisions in relation to cancellation of permits had not been used in the last five years. Officers also confirmed that the cancellation of a licence could cover a range of circumstances including voluntary surrender and forced cancellation.

The sub-committee agreed following discussion that the minimum level for the following categories should be raised to Sub-Committee of Licensing committee where relevant representations had been received

- i) Application for other permits
- ii) Cancellation of licenced premises gaming machine permits

Resolved

The committee resolved (unanimously) to adopt the table of delegations as set out in Appendix A of the committee report as amended with immediate effect.

11/5/licf Licensing of Sexual Entertainment Venues - Procedural matters, delegation of authority and the approval of a draft Sex Establishment Licensing Policy for Public Consultation

The committee received a report from the Head of Refuse and Environment regarding the licensing of sex establishments.

The committee made the following comments regarding the report

- i) The importance of robust procedures to ensure that the applications were properly advertised was highlighted. It was also agreed that a mechanism should be put in place to ensure that the notices were visible and legible.

- ii) It was questioned why the officers were delegated to the Head of Refuse and Environment. It was confirmed that the Head of Refuse and Environment had responsibility for Licensing functions.
- iii) Clarification was sought on the inspection regimes and it was questioned how certain conditions would be checked. The Environmental Health Manager advised that all sex establishments are reviewed annually to ensure compliance with the conditions.
- iv) Confirmation was requested on whether the fees would rise in line with others in April. The Environmental Health Manager confirmed that fees would rise in line with existing fee structure.
- v) In response to a question regarding a potential inconsistency regarding the use of challenge 21 and 25, it was confirmed that challenge 25 should be used throughout.
- vi) The Environmental Health Manager confirmed that the existing model conditions included in the committee papers, related to shops.
- vii) Clarification was requested on the review process and the ability to request reviews. The Environmental Health confirmed that all sex venues were reviewed annually and that there was provision to request reviews in between annual reviews.

Resolved

The committee resolved (unanimously) to

- i) Delegate to the Licensing Sub-Committees the determination of applications for Sex Establishment licences under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended, including applications for new licences, variations, transfers and renewals of licences where relevant objections have been received.
- ii) Delegate to the Head of Refuse and Environment the determination of applications for Sex Establishment licences under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended, including applications for new licences, variations, transfers and renewals of licences: where no relevant objections have been received.
- iii) Delegate to the Head of Refuse and Environment all enforcement and inspection functions relating to Sex Establishments
- iv) Set the fees for SEV applications at the same level as for existing Sex

Establishments (currently £4,549 for new applications, transfers and variations and £699 for renewals), and to delegate fee reviews to the Head of Refuse and Environment, in consultation with the Chair and Spokesperson of the Licensing Committee.

- v) Approve the draft Sex Establishment Licensing Policy for public consultation, including the current model conditions for Sex Establishments, to the draft policy and model conditions to encompass the new category of SEV.
- vi) Approve the hearings procedure.

The meeting ended at 10.35 am

CHAIR