

LICENSING COMMITTEE
9 MARCH 2010

(7.15pm – 7.55pm)

PRESENT: Councillors Oonagh Moulton (in the Chair), Richard Chellew, Chris Edge, Philip Jones, David Simpson CBE, Gregory Udeh and Martin Whelton.

ALSO PRESENT: Council Officers
Alan Powell (Principal Licensing Officer), Fabiola Hickson (Senior Litigation Lawyer) and M.J.Udall (Democratic Services Officer).

Apologies for absence were received from: Councillors Kryisia Williams and Ron Wilson.

1 DECLARATIONS OF INTEREST (Agenda Item 1)

No declarations were made.

2 MINUTES (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 10 November 2009 are agreed as a correct record.

3 CHANGES IN THE POLICE AND CRIME ACT 2009 (Agenda Item 4)

Alan Powell (Principal Licensing Officer) introduced the report, including detailing -
(a) the current Council policy, dating back to 1982, of nil sex establishments (i.e. sex shops) in the Borough;
(b) the new legislation for the licensing of Sexual Entertainment Venues which included activities such as strip-tease, lap and pole dancing and hostess bars;
(c) the proposed consultation on a draft new Council policy proposing nil sex establishments per Ward; and
(d) the proposed consideration of the new policy by the General Purposes Committee in June after the Elections, as the matter didn't currently fall within the powers of the Licensing Committee.

Officers then responded to Members queries on various issues, including advising that -

- (i) massage or beauty parlours came under different legislation;
- (ii) allegations that an establishment was being used for prostitution would be a matter for action by the police;
- (iii) even if the Council had a policy of zero sex establishments, applications could still be made to open sex establishments in the Borough;
- (iv) if such applications were refused, then the applicant could appeal to the Magistrates Court; and
- (v) any policy of zero sex establishments could be the subject of judicial review.

Committee's Powers: Fabiola Hickson (Senior Litigation Lawyer) confirmed that the Head of Legal Services was looking at possible amendments to the Council's Constitution so as to transfer responsibility for licensing of sex establishments and

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issues under the Gambling Act, including gaming machines, to the Licensing Committee.

In response to a Member's suggestion that responsibility for Street Trading Licences be also possibly transferred from General Purposes Committee to the Licensing Committee, Fabiola Hickson advised that at present only designation of part of a highway as a street trading pitch went to General Purposes Committee; that officers had powers to deal with individual applications to trade; and that street trading came under different legislation (i.e. not the Licensing or Gambling Acts) and so would need to be considered by a separate committee.

RESOLVED: That the Committee notes the proposed changes in the Police & Crime Act 2009 relating to Sex Establishments and the proposal to include other types of activities such as strip-tease, lap and pole dancing and hostess bars which are described in the new legislation as Sexual Entertainment Establishments.

(NB. Following the closure of the meeting, there was an informal discussion in relation to various enforcement and licensing issues.)