

Minutes

LICENSING COMMITTEE

1 July 2010

Meeting held at Committee Room 3 - Civic Centre,
High Street, Uxbridge UB8 1UW



	<p>Committee Members Present: Councillors Andrew Retter (Chairman), Josephine Barrat (Vice-Chairman), Lynne Allen (Labour Lead), David Allam, Mike Bull, Judy Kelly, Peter Kemp and Carol Melvin.</p> <p>LBH Officers Present: Natasha Dogra (Democratic Services Officer), Linda Etherington (Licensing Officer), Sharon Garner (Licensing Officer), Beejal Soni (Legal Advisor) and Stephanie Waterford (Licensing Officer).</p>	
1.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologised were received from Cllr Bruce Baker and Cllr Janet Gardner.</p>	Action by
2.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>	Action by
3.	<p>TO CONFIRM THAT ALL ITEMS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND ALL ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 3</i>)</p> <p>It was confirmed that all matters on the agenda were marked Part I and would be considered in public.</p>	Action by
4.	<p>TO AGREE THE MINUTES OF 22 APRIL 2010 (<i>Agenda Item 4</i>)</p> <p>The minutes of 22 April 2010 were agreed by the Committee.</p>	Action by
5.	<p>THE LICENSING ACT 2003 MANDATORY CONDITIONS (<i>Agenda Item 5</i>)</p> <p>Officers introduced the report which updated Members on the classification of films under the Licensing Act 2003. The following mandatory condition was imposed on all premises licences which included the Exhibition of films:-</p> <p>“The admission of children shall be restricted according to the classification given by the British Board of Film Classification or the Licensing Authority for <i>the film being shown.</i>”</p>	Action by

	<p>It was possible that the Licensing Authority would be requested to re-classify a film which had been classified by the BBFC or to classify a film which had not been considered by the BBFC. Requests could be made by a member of the public or an organisation wishing to show an unclassified film.</p> <p>The Licensing Service had therefore drawn up a procedure to be followed if this situation arises.</p> <p>Members asked officers how this mandatory condition could be enforced. Officers informed Members that following a complaint, officers would consult with management and investigate the procedures at the premises, which could involve a test purchase. Training schedules would be scrutinised and further training would be suggested as necessary. Officers and Members were in agreement that a certain degree of responsibility lay with the parents of the children.</p> <p>Members suggested that a change be made to the Film Authorisation Procedures. Point 3.3 should read:</p> <p><i>“Where an individual or organisation which is not connected with the film(s) requests re-classification of BBFC classified film they are expected to provide a copy of the film(s). The Licensing Authority will make suitable arrangements for a Licensing Sub Committee to view the film.”</i></p> <p>Agreed: The Committee approve and endorse the new procedure relating to film classification.</p>	Licensing Service
6.	<p>REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY <i>(Agenda Item 6)</i></p> <p>Officers presented the report to the Committee. Officers informed Members that the Licensing Act 2003 required the Council, as the Licensing Authority, to review its statement of licensing policy every three years. This was the second full review of the policy since implementation of the Act on 2005. The Council would need to approve and adopt the revisited policy which would be effective from 2011 to 2014.</p> <p>In January 2010 a working party was convened to carry out the second full review of the Council's Statement of Licensing Policy. The working party were of the opinion that the existing format of the current policy should be retained as it was concise and easy for Members, Officers and members of the public to use.</p> <p>It was brought to the attention of Members that the working party had agreed that some sections of the policy needed to be amended in order to include the recent changes to the legislation, such as the new mandatory conditions. In addition, some members of the working party suggested changes to reflect current working practices between the “Responsible Authorities”</p>	Action by

	<p>A further working party meeting had been convened for 1 September 2010 to discuss any observations, comments or proposals. Members of the Committee enquired whether Members of the Licensing Committee could sit on the working party. Officers informed Members that they would investigate this matter and report back to the Chairman and Labour Lead.</p> <p>The Committee agreed that the Local Authority's email address should be included on page 43. Members discussed whether a further point should be added to point 6.4.3 regarding the cleaning of smoking litter on premises. Officers informed the Committee that this point could be further highlighted in the policy, but it was mentioned in Appendix D of the policy. Members agreed that it was the responsibility of the Sub Committee to add this condition to any licenses which came in to review and had received representation from the Environment Protection Unit.</p> <p>Agreed: The Committee noted the update.</p>	Licensing Service
7.	<p>MEMBERS UPDATE ON SEX ENCOUNTER VENUES (<i>Agenda Item 7</i>)</p> <p>Officers updated Members on the legislative changes concerning the regulation of adult entertainment. The Policing and Crime Bill received Royal assent and had become the Policing and Crime Act 2009 on 12 November 2009. There were provisions within the Act which amended the Local Government Act 1982 to broaden the definition of 'sex establishment'.</p> <p>The Provisions introduced a new category of sex establishment – "Sexual Entertainment Venue". Sexual Entertainment Venues had been introduced in order to control, by licensing, adult entertainment in lap-dancing/pole-dancing/striptease and similar establishments. The Licensing Service and Legal Services had begun work on formulating a licensing policy and formulating procedures under the new provision.</p> <p>The Policy would include the guiding principles/objectives, appropriateness of the location of sex establishments, waivers, expectations of the applicant, objections, determination of applications, conditions, inspection/enforcement etc. This list was not exhaustive and may be subject to change.</p> <p>Currently the provisions would fully come in to force in April 2012, with the 12 month transitional period starting in April 2011. The consultation would involve many consultees including trade associations, residents associations, partners, Brunel University and the Metropolitan Police Service.</p> <p>Officers informed Members that currently licenses would be renewed annually. Members asked for this to change to every 6 months. This would give the Local Authority more control in regulating these sex establishments.</p>	<p>Action by</p> <p>Licensing Service</p>

	Agreed: The Committee noted the report.	
8.	<p>LICENSING COMMITTEE INFORMATION (<i>Agenda Item 8</i>)</p> <p>Officers presented Members with figures relating to the number of licenses granted between April 2010 and June 2010. Members questioned why some applications had been granted minor variations to their licenses. Officers said some very minor variations to licences were approved by the Licensing Service and the relevant responsible authority e.g. the Metropolitan Police Service rather than being subject to the full variation process. The minor variations were still advertised on the premises.</p> <p>Members of the Committee discussed the best way to inform ward Councillors and Committee Members of new and variation premises licence applications that are submitted to the Licensing Service. Members requested Licensing Officers to email all Committee Members and local Ward Councillors a copy of each new application and variation application as they are submitted.</p> <p>The Committee discussed the recent training day given by Philip Kolvin QC they attended and were in agreement that the training was very useful. During the training, the Committee had been made aware of the provisions contained within the Hearing Regulations under the Licensing Act 2003. Philip Kolvin made the Committee aware that they have the discretion to deliberate and determine the application within 5 days of the hearing. The Committees decision must be published within 5 days of the decision being made.</p> <p>Noted: The Committee noted the Licensing Committee Information.</p>	Action by
9.	<p>ANY ITEMS DEFERRED FROM PART I (<i>Agenda Item 9</i>)</p> <p>None.</p>	Action by
10.	<p>ANY ITEMS DEFERRED FROM PART II (<i>Agenda Item 10</i>)</p> <p>None.</p>	Action by
The meeting, which commenced at 10.00 am, closed at 11.40 am.		

These are the minutes of the above meeting. For more information on any of the resolutions please contact Natasha Dogra on 01895 277 488. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.