

## Licensing Committee

Tuesday, 21 September 2010

7.00pm

### Present:

Cllr William Dyke (Chairman)  
Cllr Greta Goatley (Vice-Chairman)

Cllrs:                 John Cubitt  
                          Leslie Hills  
                          Bronwen McGarrity  
                          Lyn Milner  
                          Derek Sales  
                          Richard Smith  
                          Bryan Sweetland  
                          Andrea Webb

Nick Channon  
Christina Hills

Committee Services Officer  
Senior Licensing Officer

### 1. Apologies

Apologies for absence were received from Cllrs Ronald Bowman, Harold Craske, Glen Handley, William Lambert, John Loughlin and Alex Moore. Cllrs Andrea Webb, Lyn Milner and Bronwen McGarrity attended as substitutes for Cllrs Ronald Bowman, John Loughlin and William Lambert respectively.

### 2. Minutes

The Minutes of the meeting held on 18 November 2009 were signed by the Chairman.

### 3. Declarations of Interest

No declarations of interest were made.

### 4. Possible changes to the Licensing Act 2003

Members were advised of possible changes being made to the Licensing Act which are contained within a consultation document issued by the Home Office "Re-balancing the Licensing Act - a consultation on empowering individuals, families and local communities to shape and determined local licensing".

The Senior Licensing Officer stated that the Kent and Medway Regulatory Licensing Steering Group had co-ordinated responses and that this body was one of only a few organisations to submit comments to the Home Office by the due date of 8 September 2010.

The Senior Licensing Officer stated that the consultation is only seeking views on the implications of implementing changes, rather than seeking views on the changes themselves.

In order to rebalance the licensing regime the Government is proposing a number of measures which were detailed in the report.

Eventual changes will be introduced via the Police Reform and Social Responsibility Bill and the Home Office has indicated that any changes are not likely to be implemented before 2012.

A further report will be submitted to the Committee when the outcome of the consultation is known.

**Resolved** that the report be accepted for information.

## **5. Review of Statement of Licensing Policy Act 2003**

The Committee was apprised of the proposed methodology to be followed in reviewing Gravesham's Statement of Licensing Policy under the Licensing Act 2003.

Members were informed that in drafting the revised statements of Licensing Policy for Gravesham it has been necessary to take into account revised guidance issued under Section 182 of the Licensing Act 2003 and provisions of the Policing and Crime Act 2009 and the Crime and Security Act 2010 which have introduced changes in legislation and reflected in the policy.

The main changes were detailed in the report for Members information.

The Act and Guidance require a consultation process prior to determining the Statement of Licensing Policy and the list of consultees was detailed for Members. A consultation period of six weeks is proposed from 22 September 2010 until 2 November 2010.

The Senior Licensing Officer will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement. This will be undertaken in consultation with other Council officers and/or the Kent & Medway Regulatory Licensing Steering Group as necessary.

A further report will be submitted to the meeting of this Committee on 17 November 2010 for consideration. The amended version of the Gravesham Statement of Licensing Policy will then be submitted to the Council for approval on 7 December 2010 and published by the due date of 7 January 2011.

**Resolved** that the contents of the report be endorsed and noted and officers be authorised to proceed with the review process.

## **6. Proposed Statement of Licensing Policy for Sex Establishments and Sexual Entertainment Venues**

The Senior Licensing Officer gave a presentation on the proposed draft Statement of Licensing Policy for Sex Establishments and Sexual Entertainments venues. Any application for such establishments will be judged on its individual merits and any application

will come before a Licensing Panel for determination but objections to either the policy or applications cannot be based on purely morals/belief grounds.

Members were reminded that the definition of regulation entertainment in the Licensing Act 2003 Act led in part to a national increase in the number of lap dancing venues licensed under the Act although there are no such establishments currently within the borough, although other such venues could be forthcoming.

Sex shops are licensed under the Local Government (Miscellaneous Provisions) Act 1982 which gives the Licensing Authority wider discretion in whether to grant or refuse licences, a power to set a limit on the number of premises that may be suitable for a particular locality, greater flexibility on applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop licences are only valid for a year ensuring scope for regular review.

There is not a statutory requirement to have a licensing policy for sex establishments and the Council has not previously done so. It is considered best practice and also that a modern, effective policy document will ensure the trade and public alike will have a document that fully explains the elements of the regulatory process which includes the principles to be applied when considering applications for sex establishments, the application process itself and the grounds for objection, refused and hearings procedure and the grounds for appeal.

The Cabinet at its meeting held on 5 July 2010 had considered a report on Sex Establishments and Sex and Entertainment Venues and a resolution will be put to the Council meeting on 5 October 2010 requesting authority to extend the licensing of sex establishments to include sexual entertainment venues by adoption of new powers and to approve an operational date for the new regime and delegate the function to the Licensing Committee.

**Resolved that**

- (1) the Senior Licensing Officer be thanked for an informative and enlightening presentation;
- (2) the draft policy be approved for consultation;
- (3) officers be authorised to proceed with the consultation process outlined in the report.

**7. Minutes of the Licensing Panel**

The Committee received the Minutes of the Licensing Panel held on 15 January 2010.

**Resolved** that the Minutes be noted.

**Close of meeting**

The meeting ended at 8.20 pm.