

LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 6 FEBRUARY 2012 AT COUNCIL CHAMBER, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Desna Allen, Cllr Richard Beattie, Liz Bryant, Cllr Jose Green, Cllr Malcolm Hewson, Cllr George Jeans, Cllr Jacqui Lay, Cllr Bill Moss, Cllr Nina Phillips (Vice Chairman), Cllr Bill Roberts and Cllr Jonathon Seed (Chairman)

Also Present:

Carla Adkins (Public Protection Officer, Licensing), Mandy Bradley (Service Director, Public Protection), Steve Clover (Head of Public Protection – Commercial and Communities), Kate Golledge (Public Protection Manager, North and West, Safer Communities and Licensing) and Paul Taylor (Senior Solicitor), Anna Thurman (Democratic Services Officer)

1. Apologies

Apologies were received from Cllr Rod Eaton who was substituted by Cllr Liz Bryant.

2. Minutes

The minutes from the Licensing Committee meeting held on 7 September 2011 were presented and it was,

Resolved:

To approve and sign the minutes of the meeting held on 7 September 2011 as a correct record.

3. Chairman's Announcements

2012 Year of Celebration

Members will be aware that 2012 is set to be a year of celebration with the Queens Diamond Jubilee and Olympics. Many communities are already well down the path of organising local parties and festivities. Whilst the Licensing team are still waiting to see how plans develop it is worth drawing to Members attention that there is likely to be licensing implications. Members should be

assured that everything will be done to support communities and organisers to ensure their event is both properly licensed and safe but should be aware that there may be a need to convene sub-committees on the odd occasion. This is likely to be true for the Olympic evening event to be held in Salisbury where Wiltshire Council will be the applicant.

This is a developing picture. The Licensing team is working with Laurie Bell and her cross-authority 2012 'Celebration team' so that we can work with communities at an early stage of their planning, helping them through the process where applicable and managing the demand on the service.

I will be kept informed of progress which no doubt will pick up momentum in the near future as we move closer to the summer months.

Street Trading

The 28 day public consultation period for the Wiltshire Council resolution to adopt all streets as consent streets in the Wiltshire Council area closes on the 10 February 2012.

If we do not receive any representations relating to the proposed resolution a public notice will be placed in the newspaper for two consecutive weeks stating that Wiltshire Council have designated all streets in the Council's area as consent streets, and that the designation will come into force on the 1 April 2012.

As soon after this date the new scheme will be implemented and will provide effective powers to control inappropriate street trading within the Council's area.

Home Office Consultation

Section 172 of the Licensing Act 2003 enables the Secretary of State to make licensing hours orders. These orders can be made where there is a period (celebration period) which will mark an occasion of exceptional international, national, or local significance.

During December 2011 the Home Office carried out a consultation with interested parties which proposed that a licensing hours order be made for the Queens Jubilee.

If such an order is made it will allow all currently licensed premises to carry out licensable activities until 01:00 A.M. on both the 1 and 2 June 2012 without the need to apply for a Temporary Event Notice or license variation. There has been overwhelming support for the proposal and it is anticipated that the national licensing hours order will be made by the Secretary of State later this month.

Implementing the Police Reform and Social Responsibility Act 2011

There are a number of key measures in the new Act which include:

- introducing a late night levy to help cover the cost of policing the late night economy
- increasing the flexibility of early morning alcohol restriction orders
- lowering the evidential threshold on licensing authorities

- removing the vicinity test for licensing representations to allow wider local community involvement.

None of the alcohol provisions in the act came into force immediately upon royal assent. The PRSR Act includes a commencement provision for the government to commence any or all of the provisions when it so chooses.

The existing legislative procedure and protocol mean that measures are ordinarily brought into force on one of two common commencement dates in April or October each year, so the earliest any of the alcohol provisions will be introduced is likely to be 6 April 2012, with more complex proposals which require more detailed secondary legislation likely to be commenced later.

Next steps

Some of the alcohol provisions introduced in the act require substantive changes to secondary legislation prior to commencement. Further information regarding consultation on these changes will be available shortly from the Home Office.

The statutory guidance issued under section 182 of the Licensing Act 2003 will also be revised to reflect the changes introduced by the PRSR Act before the first provisions are commenced. The amendments to the statutory guidance will also include a number of other changes the government committed to making in its response to the 'Rebalancing the Licensing Act' consultation. Input from the Licensing Committee will be sought during this process.

Constantine Leisure (Karma)

As expected, Constantine Leisure has now applied for judicial review of the Magistrates' Court's decision in October 2011 to refuse their appeal against the revocation of the premises licence for Karma. The grounds set out in the claim form basically mirror those set out in their pre-action protocol letter in December 2011.

The Council and the police have now submitted their joint response to the Administrative Court, contesting the claim and setting out the reasons why we *consider the decision of the Magistrates' court* should be upheld.

4. Declarations of Interest

There were no declarations of interest.

5. Public Participation

There was no public participation.

6. Minutes of the Licensing Sub-Committees

The minutes from the Licensing Sub-committee meetings held on the 27.09.11, 25.10.11, 3.11.11, 14.11.11, 15.11.11, 21.11.11, 13.12.11, 15.12.11, 22.12.11, 5.01.12 and 6.01.12

Resolved:

To approve the minutes of the meetings held between the 27.09.11 and 6.01.12.

7. Sexual Entertainment Venues

Kate Golledge, Public Protection Manager led the committee through the report on Sexual Entertainment Venues.

With effect from the 6 April 2010 local authorities in England have been able to adopt additional powers to regulate lap dancing clubs and similar venues. Section 27 of the Policing and Crime Act 2009 amend Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of sex establishment called 'Sexual Entertainment Venue' which, if adopted by the local authority, will require premises in that area who provide 'relevant entertainment' such as lap dancing to obtain a Sex Establishment Licence.

The legislation is not mandatory for local authorities and therefore will have flexibility to decide whether and, if so, when the new provisions should come into force in their area.

The Home Office has provided guidance for local authorities regarding sexual entertainment venues. The licensing Committee is being asked to consider a Policy and Conditions in relation to the new power for local authorities and agree to adopt such conditions.

Members noted that renewal of a license occurred on a yearly basis and the cost for this was £1200.

After lengthy discussion by the members where amendments were made to the policy it was;

Resolved

- 1) To adopt the implement the Policy and Regulations prescribing Conditions for Sex Establishments from 1 March 2012.**
- 2) To delegate authority to the Service Director Public Protections Services to instigate proceedings under Schedule 3, Local Government (Miscellaneous Provision) Act 1982.**

And subject to the following changes to the Sex Establishment Licensing Policy – Guidance and Standard Conditions;

- i) **Page 106, para 5.4 - delete Ward, insert *Divisional*.**
- ii) **Page 106, para 5.8 - add to the end of the sentence, *as listed in paragraph 6.3*.**
- iii) **Page 106, para 6.2 - insert after should, *or should not*.**
- iv) **Page 107, para 6.2 (f) (ii) - amend the spelling of centers to *centres*.**
- v) **Page 108, para 6.3 (c) and (d) - expand EEA to *European Economic Area***
- vi) **Page 108, para 6.3 (e) - insert *sexual establishment before licence*.**
- vii) **Page 109, para 8.5 - delete 'number of days' and insert *5 working days*.**
- viii) **Page 116, para 7 (k) – insert after exchange '*contact details*,' and delete '*or*'.**
- ix) **Page 117, para 5 (a) – insert after person '*under the age of 18 or*'.**
- x) **Page 117, para 6 (b) – delete at insert '*inside*'.**

8. Harmonised Wiltshire Council Street Collection Policy

Kate Golledge, Public Protection Manager led the committee through the report on the harmonised Wiltshire Council Street Collection Policy.

Prior to the district councils and Wiltshire County Council becoming a unitary authority, the four district councils had individually adopted the standard Regulations relating to street collections. In addition the District Councils adopted their own local policies on such matters as the number of collection allowed in their area by charitable organisations, therefore all following different guidelines.

Councillors sought clarity on the definition of 'street'. Paul Taylor, Solicitor, explained that the definition of 'street' was different in this context than that of the definition that had recently been applied in the Street Trading policy. For the purposes of Street Collections the definition of 'street' is;

'includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not'

After further discussion it was,

Resolved:

- 1) To agree the harmonised, Policy on Street Collections.
- 2) To approve that previous Street Collection Regulations be revoked and the new Regulations come into effect and are implemented as soon as possible.

And subject to the following amendment to the Street Collection Policy,

- i) Page 136, insert at the end of paragraph 12 *'this policy covers the whole of the area covered by Wiltshire Council'*.

9. Review of Skin Piercing Bylaws

Carla Adkins, Public Protection Officer, led the committee through the report on Cosmetic Piercing and skin Colouring – Adoption of Legislation and Byelaws.

Wiltshire Council as a unitary authority has not yet adopted the legislation which allows the Council to regulate persons carrying out acupuncture, tattooing, and skin piercing.

The policy has been in use by the Northern Area Hub since 2007.

Members sought clarity on issues surrounding administrative costs and registration fees. It was confirmed that that the administrative costs to Wiltshire Council were covered by the registration fee.

It was,

Resolved:

- 1) To recommend to Council that the provisions of Section 14, 15, 16 and 17 of the Local Government (Miscellaneous) Provisions Act 1982 be adopted and should come into effect on 1 July 2012.
- 2) To recommend to Council that byelaws in the form of the model set out appendix (page 144 – 147 of the agenda refers).
- 3) The Committee recommend to the Council that the current byelaws which had previously been adopted by the ex-district councils be revoked on the confirmation of the new model byelaws.

10. Hypnotism Policy

Kate Golledge, Public Protection Manager led the committee through the report on the Hypnotism Act - Conditions.

The Hypnotism Act 1952 empowered licensing authorities for public entertainments under the Local Government (Miscellaneous Provisions) Act 1982 to attach conditions to a public entertainment licence regulating or prohibiting the giving of an exhibition, demonstration or performance of hypnotism on any person at the place for which the public entertainment licence had been granted.

Concern over content of some performances of stage hypnotism prompted the issue of the Home Office circular No.42/1989, which proposed, revised and updated guidance for local authorities whilst exercising their licensing responsibilities.

After a short debate it was,

Resolved:

- 1) To adopt the Conditions.**
- 2) The Licensing Committee delegate authority to the Licensing Manager to determine any future applications under the Hypnotism Act 1952 and to authorise proceedings under the Act.**

11. Dates of Future Committee Meetings

The dates of the next meetings were confirmed as:
Tuesday 8 May 2012
Monday the 12 November

The Chairman informed the Committee that there would be a need to hold an additional meeting on 14 September 2012.

12. Urgent Items

Members sought clarity regarding the licensing implications surrounding the Diamond Jubilee celebrations. The Chairman informed the Committee that the Licensing team were working in conjunction with the Communications team to update the existing Communications toolkit, particularly on licensing issues, on how to hold a community event. This will be published on the Wiltshire Council website shortly.

(Duration of meeting: 10.30 am - 12.15 pm)

The Officer who has produced these minutes is Anna Thurman, of Democratic & Members' Services, direct line 01225 718379, e-mail anna.thurman@wiltshire.gov.uk

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