

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 9 SEPTEMBER 2010

PRESENT: Councillor G P Peters - Chairman
" D G Meacock - Vice Chairman

Councillors: Mrs V G Head
L A Hodgkinson
P M Jones
S A Patel
J S Ryman
Mrs E P Stacey
C J Wertheim

APOLOGIES FOR ABSENCE were received from Councillors Miss P A Appleby, Mrs E L Bamford, Mrs J A Burton and D J Lacey.

9 COUNCILLOR GRAHAM SUSSUM

The Chairman spoke in memory of Councillor Sussum, a valued member of the Committee who had passed away. A minute's silence was then observed by all present in honour of Councillor Sussum.

10 MINUTES

The Minutes of the meeting held on 29 July 2010 were agreed by the Committee and signed by the Chairman as a correct record.

11 DECLARATIONS OF INTEREST

There were no declarations of interest.

12 SEXUAL ENTERTAINMENT VENUES

The Licensing Act 2003 required a relevant licence for regulated entertainment, however there was no control as to the nature of that entertainment. This had been addressed by the Policing and Crimes Act 2009 (Section 27) which provided for the stricter regulation of sexual entertainment venues and relevant entertainment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

In addition to the recommendations in the report, the Chairman advised that the Committee would be asked to approve two additional recommendations. These related to:

- i) requesting the Constitution Review Committee to amend the Terms of Reference of the Licensing Sub Committee to include the appropriate legislation pertaining to sexual entertainment venues; and
- ii) that a draft policy on how applications would be considered be presented to a future meeting of the Licensing and Regulation Committee.

Addressing the concerns of the Committee, the Licensing Officer emphasised that the new provisions were not an invitation for sexual entertainment venues to open in the district. Such establishments could already open, subject to meeting the standard licensing objectives. Instead, the new provisions would provide the licensing authority with more control over the number and location of lap dancing clubs and similar venues, and also allow the refusal of an application on potentially wider grounds than was currently permitted under the Licensing Act 2003.

Since approval of the new provisions would require a public notice, there was some discussion that a press release should be used to reassure the public that the provisions were a positive measure providing greater regulation. It was also suggested that it might be more appropriate to include such wording within the notice itself.

It was noted that fees would be set to recoup all reasonable expenses incurred in processing an application – in the same way as charges for other types of licences. Examples of fees charged by other local authorities were also noted. The Head of Health and Housing confirmed that once it was clear what charge would need to be levied to recoup reasonable expenses, the proposed fees would be reported as part of the Cabinet report on Fees and Charges, for approval by the Cabinet.

Concern was expressed that applications for waivers needed to be strictly framed. It was noted that this could be addressed in the draft policy which would be presented to a future meeting of the Committee. It was envisaged that the new provisions would take effect from 1 January 2011.

RECOMMENDED

- 1. That Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 – as amended by Section 27 of the Policing and Crime Act 2009 – be adopted and applied in the Chiltern District area with effect from the date specified in the resolution.**

AND RESOLVED

- 2. That Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 – as amended by Section 27 of the Policing and Crime Act 2009 – be adopted and applied in the Chiltern District area with effect from the date specified in the resolution.**

3. That authority be delegated to the Head of Health and Housing, in consultation with the Head of Legal Services, to undertake the necessary public consultation.
4. That the responsibility to determine applications under Schedule 3 as amended be delegated to the Licensing Sub Committee.
5. That fees be set to recover all reasonable expenses incurred in processing a sex establishment licence application; the setting of the level of fees to be delegated to the Head of Health and Housing in consultation with the Head of Financial Services.
6. That the Constitution Review Committee be requested to amend the Terms of Reference of the Licensing Sub Committee to include applications made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 – as amended by Section 27 of the Policing and Crime Act 2009, the changes to take effect from the date specified in the Resolution adopting the amended provisions of Schedule 3.
7. That a report and proposed draft policy on how applications will be considered, be presented to a future meeting of the Licensing and Regulation Committee.

The meeting ended at 6.59 pm