

## **Licensing Committee – 1 October 2008**

Present:- Councillors Mrs Allgrove, Beaven, Coles, Mrs Court-Stenning, Guerrier, Mrs Hill, House and Watson

Officers:- Mr J Barraah (Chief Environmental Health Officer), Mrs J Bradburn (Operations Manager (Public Safety)), Mrs D Durham (Democratic Services Officer), Miss A Hunt (Licensing Officer), Mrs J Jackson (Legal Services Manager) and Miss O Walton (Licensing Officer)

(The meeting commenced at 6.15 pm).

### **1. Appointment of Chairman**

**Resolved** that Councillor Mrs Allgrove be appointed as Chairman of the Licensing Committee for the remainder of the Municipal Year.

### **2. Appointment of Vice-Chairman**

**Resolved** that Councillor House be appointed as Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

### **3. Apologies**

Councillors Mrs Lees, McMahon, Meikle, Murphy, Slattery and Woolley

### **4. Minutes of the meeting of the Licensing Committee held on 6 November 2007**

The minutes of the meeting held on 6 November 2007 were taken as read and were signed.

### **5. Declaration of Interests**

Declarations of personal interest were made by Councillor Coles as a Director of Southwest One and a member of Victoria Park Pavilion Committee. Councillor Mrs Allgrove and Councillor House also made declarations of personal interest as Trustees of village halls.

### **6. New Model Standards 2008 for Caravan Sites in England**

Considered report previously circulated, concerning the New Model Standards for 2008 for Caravan Sites in England.

The new Model Standards 2008 for Caravan Sites in England had been issued in April 2008 by the Department for Communities and Local Government and were conditions that primarily related to the layout and the provision of facilities, services and equipment. The conditions fell under several headings which were detailed.

The main differences to the last standards issued in 1989, were the inclusion of a number of new requirements relating to the maintenance of sites and flood protection measures. The new Model Standards 2008 applied to caravan sites that contained caravans that were used as permanent residential units and not to those used exclusively for holidays or touring caravan sites. However, they did apply to mixed residential and holiday sites.

The Council was able to attach conditions to a new licence and they now had to have regard to the new standards, although additional conditions could be added if required. Additional conditions would need justification and the Council would have to show that these conditions would benefit residents and the licence holder.

Consultation with the licence holder and residents/residents associations would be carried out and the licence holder would be able to appeal against the imposition of a condition on the site, to the local Magistrates' Court.

The new Model Standards could not be used as a blanket policy and sites would need to be considered individually.

The Licensing Unit was inspecting all permanent residential caravan sites in the District and requesting an up to date plan. Licence holders, unaware of the new Model Standards, were being sent a copy.

Licensing Officers would meet with the licence holder to discuss the addition of any new conditions, prior to the consultation process. The formal consultation process would allow for representations to be made.

If representations were made, agreement would initially be sought with all parties concerned. Failure to reach agreement would necessitate the convening of a Licensing Sub-Committee to determine the matter.

Members were concerned that no fees were levied for caravan licences but there was no statutory control for Local Authorities to levy a fee.

**Resolved that:**

- 1) The existence and content of the New Model Standards for Caravan Sites in England 2008 be noted;
- 2) Licensing Officers be provided with delegated authority to agree and impose conditions on new Caravan Site Licences or to revise conditions on existing Caravan Site Licensing, where agreement could be reached with a site operator, following receipt of representations arising from a consultation process; and
- 3) Where agreement could not be reached with the Site Operator, following receipt of representations, a Licensing Sub-Committee be convened to hear

and determine the imposition of conditions on a new Caravan Site Licence or alteration to conditions on an existing Caravan Site Licence.

## **7. Introduction of a Simplified Process for Minor Variations to Premises Licences and Club Premises Licences**

Considered report previously circulated, concerning the Government's proposal to amend Parts 3 and 4 of the Licensing Act 2003 to simplify the process for minor variations to both Premises Licences and Club Premises Licences.

Minor variations were defined as any variation that did not adversely impact on the promotion of the Licensing Objectives.

Licensing Authorities would consult with the relevant authorities as necessary and would respond to applicants within 10 working days of receipt of the application. There was no right of appeal against a decision to reject an application for minor variations and where applications were referred to the full variation process, that procedure would apply.

Exclusions of the minor variation process included:

- The addition of the sale or supply of alcohol to a Premises Licence or Club Premises Certificate;
- The sale or supply of alcohol at any time between 11pm and 7am; and
- Any increase in the amount of time on any day during which alcohol could be sold or supplied.

Minor variation would fall into the following categories:

- 1) minor changes to the structure or layout of the premises;
- 2) small adjustments to the licensing hours;
- 3) the removal of out of date conditions; and
- 4) the addition of certain licensable activities.

All applications would be considered on an individual basis.

The Government was expected to set fees that would achieve full recovery of administration, inspection and enforcement costs.

Members felt that as minor variations did not have to be advertised, members of the public should be able to access Licensing Conditions via the website.

**Resolved** that the report be noted.

**8. Proposal to Allow the Removal of Requirements for a Designated Premises Supervisor and Personal Licence Holder for Community Premises**

Considered report previously circulated, concerning the introduction of a new process to allow community premises to dis-apply mandatory conditions.

The Government proposed to allow community premises such as village halls, church halls, chapel halls and other similar community buildings to dis-apply the following mandatory conditions:

- A Designated Premises Supervisor (DPS) to be specified on every premises licence authorising sales of alcohol; and
- Every sale of alcohol at such premises to be authorised by a Personal Licence Holder (PLH).

The Licensing Act 2003 stated that all sales of alcohol had to be made or supervised by a PLH and there had to be a DPS who held a personal licence in respect of the premises. There could be more than one PLH on the premises, but there was a requirement for only one DPS for the premises.

Some community premises had found this obligation difficult to meet as they were often run by volunteers or committees. Many had opted not to apply for a Personal Licence, relying on Temporary Event Notices (TENs) for the supply of alcohol, but a maximum of only five could be applied for per year. Due to this limitation, not all social gatherings which involved the sale of alcohol could be accommodated by TENs.

The Government aimed to remove barriers to community premises securing a licence to cover all of their activities. This option allowed PLHs to apply for the dis-application of the mandatory conditions relating to PLHs and DPSs. Where such a dis-application was granted, it would give responsibility for authorising every sale of alcohol at the premises.

Members felt that this information should be publicised when it had been confirmed.

**Resolved** that the report be noted and details be publicised.

**9. Adoption of Model Licence Conditions Relating to Home Boarding Establishments**

Considered report previously circulated, concerning the adoption of new model licensing conditions for animal welfare in respect of home boarding establishments.

Under Section 1 of the Animal Boarding Establishments Act 1963, any business providing accommodation for other people's dogs and cats had to be licensed by the Local Authority.

Recently there had been an increase in the number of Home Boarding Establishments which involved businesses providing accommodation for other people's dogs, within their home.

Model conditions existed in relation to catteries and kennels and helped to regulate the standards of accommodation and management of the premises, particularly in relation to the well-being of the animals.

In view of the increase, it was felt that new model conditions should be adopted and these were submitted. The model conditions had been provided by the Local Authorities Co-ordinators of Regulatory Services (LACORS) and related to the number of animals being boarded, the construction of the premises, training of staff, cleanliness of the premises, food and water supplies and disease control.

Adoption of these conditions would allow the Council to licence the activity of Home Boarding and attach these conditions to licences to ensure standards of animal care were upheld.

Formal adoption of the conditions would allow the Council to enforce the standards.

Consultation with relevant stakeholders had been undertaken by LACORS.

**Resolved** that the new model licence conditions in respect of Home Boarding be adopted.

## **10. The Control of Sex Encounter Establishments**

Considered report previously circulated, concerning the current system for the regulation of Sex Encounter Establishments (SEEs) in England and Wales.

The Fawcett Society campaigned for equality between men and women in the United Kingdom on pay, pensions, justice and politics and was calling for the Government to reform sex establishments and lap dancing club licensing. They felt that if Lap Dancing Clubs were licensed as SEEs, Local Authorities could put in place vital conditions and restrictions on clubs and local communities could make representations.

Sex Establishments (Sex Shops and Sex Cinemas) were licensable under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This did not include Lap Dancing Clubs or other Sexual Encounter Premises, with the exception of Greater London.

The definition of 'Sex Establishment' was either a Sex Cinema or a Sex Shop. The definition also controlled sex on celluloid or on the page, but did not control live sex.

Schedule 3 provided a much wider list of grounds for refusal of a licence than was provided under the Licensing Act 2003.

The Licensing Act 2003 required establishments with adult entertainment to ensure that the four licensing objectives were met. Controls could be imposed if relevant representation was made on the application by a Responsible Authority or if the Licensing Authority considered it necessary to promote one of the Licensing Objectives.

It was desirable to have legislation specifically designed to effectively regulate SEEs such as lap dancing that was not effectively addressed through either the Local Government (Miscellaneous Provisions) Act 1982 or the Licensing Act 2003. The Statutory amendments would provide wider powers to control the proliferation of lap dancing establishments.

There was currently one licensed premises in the District that had indicated on their Premises License application that they could have adult entertainment at the venue.

The Principal Licensing Officer was acting as a Government Advisor on the statutory amendment and it was thought that the wording of the Act should be amended to cover all types of SEEs. It was anticipated that the amended statute would come into force in early 2010.

**Resolved** that the report be noted.

(The meeting ended at 7.03pm)