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LICENSING COMMITTEE2 NOVEMBER 2010

Present:- Councillors Fawcett (Vice-Chairman, in the Chair), Casey, J King, Mitchell, D Oxley, Powell, P S Scott, H A Shearing, S E Shearing, Watson.

Also Present:- Councillor Broderick (except items 31 – 35).

In Attendance:- Assistant Head of Legal Services (Administration), Solicitor (WRR), Licensing Officer, Senior Democratic Services Officer.

(7.30 p.m. – 8.06 p.m.)  
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20. CHAIR

In the absence of the Chairman of the Committee (Councillor Downing), the Chair was occupied by the Vice-Chairman (Councillor Fawcett).

21. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Brown, Downing, V E Guglielmi, Henderson and N W Turner.

22. MINUTES

The minutes of the meeting of the Committee held on 6 July 2010 were approved as a correct record and signed by the Chairman.

23. MATTER ARISING FROM THE MINUTES - MINUTE 15 - LICENSING GUIDANCE FOR COUNCILLORS AND OFFICERS – SITE VISITS

The Assistant Head of Legal Services (Administration) informed Members that the Standards Committee at their meeting held on 25 October 2010 had approved and adopted the Licensing Committee's recommended change to Section 7.1 of the Licensing Guidance for Councillors and Officers in respect of formal site visits to application sites.

At the request of Councillor P S Scott the Officers undertook to investigate incorporating within Section 7.1 of the Licensing Guidance, at such future time when the Guidance was further amended, a definition of a site visit.

24. LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

The Committee received the minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 14 July, 18 August and 12 October 2010, which had previously been circulated and noted the decisions contained therein.

25. PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'B'

The Committee received the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'B' held on 27 September 2010, which had previously been circulated and noted the decisions contained therein.

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26. PREMISES/PERSONAL LICENCES SUB-COMMITTEE 'C'

The Committee received the minutes of the meeting of the Premises/Personal Licences Sub-Committee 'C' held on 14 October 2010, which had previously been circulated and noted the decisions contained therein.

27. LICENSING ACT 2003 – APPLICATIONS APPROVED UNDER DELEGATED POWERS

The Committee noted the contents of a report on Premises Licence/Club Premises Certificate and Personal Licence applications which had been approved under Delegated Powers during the period 2 June 2010 – 15 October 2010, which report was submitted for their information only.

28. PROPOSED RE-LOCATION OF STREET TRADING PITCH – BARRACK LANE, HARWICH

Further to minute 16 of the meeting of the Committee held on 6 July 2010 the Committee's authority was sought to pass two resolutions under paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relating to the revision of the Consent Street designation in parts of Barrack Lane, Harwich.

The Committee were informed that no representations had been received as a result of the public notice having been placed in the local press in respect of the proposed re-location of the existing street trading pitch from its present location in Barrack Lane, Harwich to a point further along the street near the junction with Harbour Crescent between lamp posts at 11 and 12.

It was moved by Councillor H A Shearing, seconded by Councillor Watson and:-

RESOLVED – (a) That in accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Tendring District Council hereby rescinds the designation of that length of Barrack Lane, Harwich between its junction with Main Road and its junction with Beacon Hill Avenue, Harwich as a Consent Street which rescission shall take effect on the first day of December 2010.

(b) That in accordance with paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Tendring District Council hereby designate that length of Barrack Lane, Harwich between lamp post No. 11 and lamp post No. 12 as a Consent Street which designation shall take effect on the first day of December 2010.

(c) That the Head of Legal Services and Monitoring Officer be authorised to give notice of the passing of these resolutions.

29. PROPOSED SEX ESTABLISHMENT POLICY

The Committee were requested to approve in principle a draft Sex Establishment Policy and to authorise the Officers to circulate the document to key stakeholders for consultation purposes.

Members were aware that the Council at their meeting held on 16 September 2010 had adopted the Licensing Committee's recommendation that the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 covering the regulation of lap dancing clubs and similar venues be adopted and applied in the District with effect from 25 October 2010. The adoption of this legislation would enable the Licensing Authority to properly control and regulate premises of this type (should any applications be received in the future) along with the sex shops that already operated in the District under the 1982 Act.

Members were informed that the Licensing Committee had never adopted a policy on Sex Establishments and it was therefore being suggested by the Officers that now was an opportune time to consider this issue so that potential licence applicants, existing licencees, the public and relevant stakeholders would be aware of the Authority's general views on premises of this type including such matters as location, fitness of applicants to hold a Licence and the impact of establishments on the local community. All applications would still need to be considered on their individual merits by the Licensing (General Purposes) Sub-Committee.

It was moved by Councillor H A Shearing, seconded by Councillor S E Shearing and:-

RESOLVED – (a) That the draft Sex Establishment Policy and revised set of standard conditions to be attached to relevant licences, as set out in the Appendix to item A.3 of the Report of the Head of Legal Services and Monitoring Officer, be approved for consultation purposes.

(b) That the results of the consultation process be reported to the next meeting of the Licensing Committee.

30. LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

Further to minute 13 of the meeting of the Committee held on 6 July 2010 Members gave consideration to the results of the consultation process on the proposed revised Statement of Licensing Policy in respect of the Licensing Act 2003.

The Committee's authority was sought to recommend to the Council that Council adopts the revised Statement of Licensing Policy in accordance with the statutory requirements.

It was moved by Councillor P S Scott, seconded by Councillor Mitchell and:-

RECOMMENDED – That the Statement of Licensing Policy, as set out in the Appendix to item A.4 of the Report of the Head of Legal Services and Monitoring Officer, be formally adopted for the three year period commencing on 7 January 2011.

31. THREE STAGE WARNING PROTOCOL FOR THE HACKNEY CARRIAGE/PRIVATE HIRE TRADE

The Committee gave consideration to a report of the Head of Legal Services and Monitoring Officer which reported on the effectiveness of the three stage warning protocol for the Hackney Carriage and Private Hire Trade introduced by the Committee at their meeting held on 3 September 2009.

It was moved by Councillor H A Shearing, seconded by Councillor S E Shearing and:-

RESOLVED – (a) That the contents of the report be noted.

(b) That the continued use of the protocol, as set out in the Appendix to item A.5 of the Report of Head of Legal Services and Monitoring Officer, be approved.

32. TENDRING QUALITY TAXI PARTNERSHIP AGREEMENT

Members' approval was sought to consult with the Taxi trade about the feasibility of entering into a Quality Taxi Partnership Agreement.

It was reported that Essex County Council had been working for some time to establish a Quality Taxi Partnership across the County. Whilst voluntary, the aim of the proposed

Agreement was to enhance the experience of the travelling public and to reduce the fear of crime when using this form of transport. There had also been indications that, at a future stage, Essex County Council Transport Contracts would only be awarded to drivers and operators who had signed up to a Quality Taxi Partnership Agreement.

It was moved by Councillor H A Shearing, seconded by Councillor Mitchell and:-

RESOLVED - That the Officers be authorised to commence discussions with the Taxi trade about the feasibility of entering into a Quality Taxi Partnership Agreement and that the outcome of those discussions be reported to the next meeting of the Committee.

33. LOCAL GOVERNMENT ACT 1972 – EXEMPT ITEM – EXCLUSION OF PUBLIC

It was moved by Councillor S E Shearing, seconded by Councillor Watson and:-

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act:-

Special minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 14 July, 18 August and 12 October 2010.

34. SPECIAL MINUTES – LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

The Committee received the special minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 14 July, 18 August and 12 October 2010, which had previously been circulated and noted the decisions contained therein.

35. MR JOHN MARGERUM, ASSISTANT HEAD OF LEGAL SERVICES  
(ADMINISTRATION)

As this was likely to be the last meeting of the Licensing Committee that Mr Margerum would attend before his forthcoming retirement, the Chairman and Members thanked Mr Margerum for his long and dedicated service to the Council and to the Licensing Committee in particular and wished him a long and happy retirement.

Chairman