
MINUTES OF THE MEETING OF THE LICENSING (GENERAL PURPOSES)**SUB-COMMITTEE HELD ON 30 SEPTEMBER 2013 AT 10.00 A.M.****IN THE COUNCIL CHAMBER, WEELEY**

Present: Councillors Skeels (Chairman), Fawcett (Vice-Chairman), Casey, De-Vaux Balbirnie, Platt, Powell, Pugh and Sambridge.

Also Present: Councillor G L Mitchell.

In Attendance: Legal Services Manager (Lisa Hastings), Environmental Services Manager (John Fox), Licensing Manager (Simon Harvey), Senior Democratic Services Officer (Ian Ford), Emma King (Licensing Officer), Legal Associate (Charlotte Parker) and Licensing Enforcement Officer (James King).

11. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

12. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Sub-Committee held on 5 July 2013 were approved as a correct record and signed by the Chairman, subject to, in Minute 7 (Exclusion of Press and Public) the mover of the motion to exclude being amended to read "Councillor Skeels" instead of "Councillor Heaney".

13. DECLARATIONS OF INTEREST

There were none.

14. HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

The Sub-Committee noted the contents of a report on the number of drivers, vehicles and operators licensed by the Council as at 16 September 2013, which was submitted for information only.

15. APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE – PRIVATE SHOP, 28 ROSEMARY ROAD, CLACTON-ON-SEA, ESSEX

The Sub-Committee considered an application from Darker Enterprises Limited for the renewal of a licence to run a sex establishment at 28 Rosemary Road, Clacton-on-Sea.

It was reported that the Applicant had proposed that trading would continue to take place from 10.00 a.m. to 7.00 p.m. on Mondays to Saturdays, 10.00 a.m. to 4.00 p.m. on Sundays, and 10.00 a.m. to 8.00 p.m. on Mondays to Saturdays from 10 December to 22 December inclusive.

The Sub-Committee was advised that the premises complied with the current conditions imposed, as set out in Appendix 'A' to item A.2 of the Report of the Corporate Director (Public Experience).

It was further reported that consultation papers had been sent to Essex Police and the local Ward Councillors and that at the time of the meeting, no comments, objections or

observations had been received from either. Residents in the neighbourhood considered likely to be affected by the application had been consulted and no representations had been received.

Members were informed that the application had been displayed on the premises in the prescribed manner and that a statutory public notice had been placed in a local newspaper.

The Sub-Committee had before it, as set out in Appendix 'B' of the afore-mentioned report, those grounds which were material to the determination of such an application, as set out in the Local Government (Miscellaneous Provisions) Act 1982.

The Sub-Committee was advised that the Applicant had been invited to send representatives to attend the meeting. However, confirmation had been received that the Applicant would not attend, or be represented.

It was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Platt and:-

RESOLVED - That the application for the renewal of the Sex Establishment Licence, in respect of Private Shop, 28 Rosemary Road, Clacton-on-Sea, be granted.

16. APPLICATION FOR THE GRANT OF A STREET COLLECTION PERMIT – NORTH EAST ESSEX BADGER GROUP

Councillor Platt declared a pecuniary interest in relation to this matter as he had made previous financial contributions to the Badger Group and remained in the meeting.

It was reported that an application had been received from the North East Essex Badger Group to allow a sponsored walk and related street collection to take place between Clacton Pier and Walton Pier on Saturday 5 October 2013. However, the Officers had been unable to process this application under delegated powers as it was contrary to Regulation 10[a] of the Council's Street Collection Regulations which stated:

- "10. While collecting –
- [a] a collector shall remain stationary; and
 - [b] a collector or two collectors together shall not be nearer to another collector than 25 meters"

The application had therefore been brought before the Sub-Committee for its determination.

Pauline Green attended the meeting on behalf of the Applicant, spoke in support of the application and answered Members' questions thereon.

Having considered the individual merits of this application and the advice given by Officers and in order to assist the Applicant in achieving the underlying intention of their application, it was moved by Councillor De-Vaux Balbirnie, seconded by Councillor Fawcett and:

RESOLVED that, in view of the individual circumstances relating to this application and the short time frame remaining before the sponsored walk would take place, a dispensation be given to the application of the Council's regulations 10(a) and (b) and consequently that, therefore, the North East Essex Badger Group be granted a House-to-House Collection Permit in order to allow a 'moving collection'.

17. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

18. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Pugh, seconded by Councillor Platt and:

RESOLVED that under Schedule 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business to be considered below on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act:

- (a) Exempt Minutes of the Last Meeting of the Sub-Committee held on 5 July 2013
- (b) Report of Corporate Director (Public Experience)
 - B.1 - Applications for the Renewal of Hackney Carriage Drivers' Licences
 - B.2 - Review of Hackney Carriage Drivers' Licences

19. EXEMPT MINUTES

The Exempt Minutes of the meeting of the Sub-Committee held on 5 July 2013 were approved as a correct record and signed by the Chairman, subject to in minute 10(ii) the first paragraph being amended to make it clear that Councillor De-Vaux Balbirnie declared his interest on the grounds that he "used to live" in Little Clacton and that he was also a Ward Member for Little Clacton and that, in addition, Councillor Skeels had also declared an interest as she was also a Ward Member for Little Clacton.

Chairman