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## LICENSING COMMITTEE

7.00 pm, Wednesday, 13 February 2013

**Present:-** Councillor Trevor Hambleton – in the Chair

Councillors Mrs Bates, Cooper, Mrs Simpson, Tagg, Mrs Williams and Mrs Winfield

**In attendance:-** Steve Patrick (Licensing Officer), Paul Washington (Principal Solicitor) and Nick Lamper (Senior Member Services Officer)

### 1. APOLOGIES

Apologies for absence were submitted on behalf of Councillors Colin Eastwood, Ann Heames, Chloe Mancey, Simon White and John Williams.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES OF PREVIOUS MEETING

**Resolved:** That the minutes of the meeting held on 8 November 2012 be approved as a correct record and signed by the chairman.

### 4. LICENSING FEES FOR THE YEAR 2013/2014 IN RESPECT OF SEX ESTABLISHMENTS AND GAMBLING

A report was submitted requesting the committee to make recommendations to the council in relation to licensing fees for 2013/14 in respect of sex establishments and gambling.

The report outlined the requirement for the fees and charges to meet cost recovery criteria in accordance with the relevant provisions of Article 12.2 of the European Services Directive, Paragraph 12(d) of the Second Edition of the Guidance for Local Authorities on the Provision of Service Regulations, and Paragraph 86 of the Guidance for Business on the Provision of Service Regulations.

**Resolved:**

- (1) That the council be recommended to approve the fees for 2013/14 as set out in the appendix to the report; and
- (2) That, in respect of Sex Establishments, the council be recommended to set a fee of £1,500 for 2013/14 in relation to applications to vary.

### 5. LICENSING SUB-COMMITTEE

A report was submitted outlining recent decisions of Licensing Sub-Committee taken at meetings held since 4 October 2012.

**Resolved:** That the decisions be noted.

**6. URGENT BUSINESS**

There was no urgent business.

**COUNCILLOR TREVOR HAMBLETON**  
**Chair**

The meeting concluded at 7.12 pm.

## DEREGULATION OF ENTERTAINMENT

**Portfolio:** Safer and Stronger Communities

**Ward(s) affected:** All

### **Purpose of the Report**

To advise Members about the draft order on the Deregulation of Entertainment which was laid before Parliament on Monday 22<sup>nd</sup> April 2013.

### **Recommendation**

**That the Report be received.**

## **1. Background**

Regulated entertainment as defined in Schedule 1 of the Licensing Act 2003 includes both entertainment and entertainment facilities.

The categories of entertainment and entertainment facilities are capable of being amended and the Act provides that the Secretary of State can modify the descriptions by adding, varying or removing any of them.

## **2. Issues**

A draft order which seeks to deregulate entertainment was laid before Parliament on Monday 22<sup>nd</sup> April 2013. The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 will be debated in Parliament and, if approved, will:

- a) Deregulate plays and dance for audiences of up to 500 people between the hours of 08.00 and 23.00 (with the exception of dancing for which a Sexual Entertainment Venue Licence is required).
- b) Deregulate indoor sport for audiences of up to 1000 people between the hours of 08.00 and 23.00.
- c) Clarify that Combined Fighting Sports (Mixed Martial Arts etc) are a form of Boxing and Wrestling and will continue to be regulated.

Depending upon Parliamentary time, these provisions should hopefully come into effect in June or July 2013.

## **3. Options Considered**

Not applicable.

## **4. Proposal**

That the Committee receive the report.

5. **Reasons for Preferred Solution**

Likely legislative changes to the Licensing Act 2003.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- Creating a cleaner, safer and sustainable Borough.
- Creating a healthy and active community.

7. **Legal and Statutory Implications**

Possible implementation of changes to Licensing Act 2003.

8. **Equality Impact Assessment**

The Order will revise legislation already in force.

9. **Financial and Resource Implications**

There will be a slight reduction in income as a result of the deregulation.

10. **Key Decision Information**

This is not a Key Decision.

11. **Earlier Committee Resolutions**

A number of items relating to the Licensing Act 2003 have been published to Committee since the Act came into force.

12. **Background Papers**

None.

## SATURATION POLICY

Submitted by: Head of Central Services

Portfolio: Safer & Stronger Communities

Awards affected: Town Ward

### **Purpose of the Report**

**For Members to consider whether the Special Saturation Policy that was agreed at their meeting held on 7<sup>th</sup> March 2012 is still required.**

### **RECOMMENDATION:-**

To decide whether the current saturation policy is still required, whether it is still adequate or whether it needs to be reviewed.

## 1. **Background**

- 1.1 There are currently a number of licensed premises concentrated together in one area that together have a detrimental impact on levels of crime and disorder and public nuisance and in particular violent crime in the Town Centre. This being the case, the Council has previously satisfied itself that it is appropriate and necessary to include in its Licensing Policy a special saturation policy.

The Policy allows the Council to refuse new licences whenever it receives relevant representations about the cumulative impact on the licensing objectives which can be substantiated by evidence. Where such representations are received, applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

Where representations are supported by evidence, applicants will need to clearly demonstrate in their operating schedule measures to address the identified problem of drink-related violence in the Town Centre and in particular will need to demonstrate measures to prevent binge drinking on the premises. Where no relevant representations are received in this connection, the application will be granted.

- 1.2 The Guidance at 13.31 states that “once adopted special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the special policy should be amended.”

- 1.3 In this respect, the Guidance at 13.28 provides that the steps to be followed in considering whether to adopt a special policy within the statement of licensing policy are:
- (1) To identify concern about crime and disorder; public safety; public nuisance; or the protection of children from harm.
  - (2) To consider whether there is good evidence that crime and disorder or public nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - (3) If such problems are occurring, identify whether these problems are being caused by the customers of the licensed premises, or that the risk of cumulative impact is imminent.
  - (4) To identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
  - (5) To consult with those specified in section 5(3) of the 2003 Act and, subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy document..

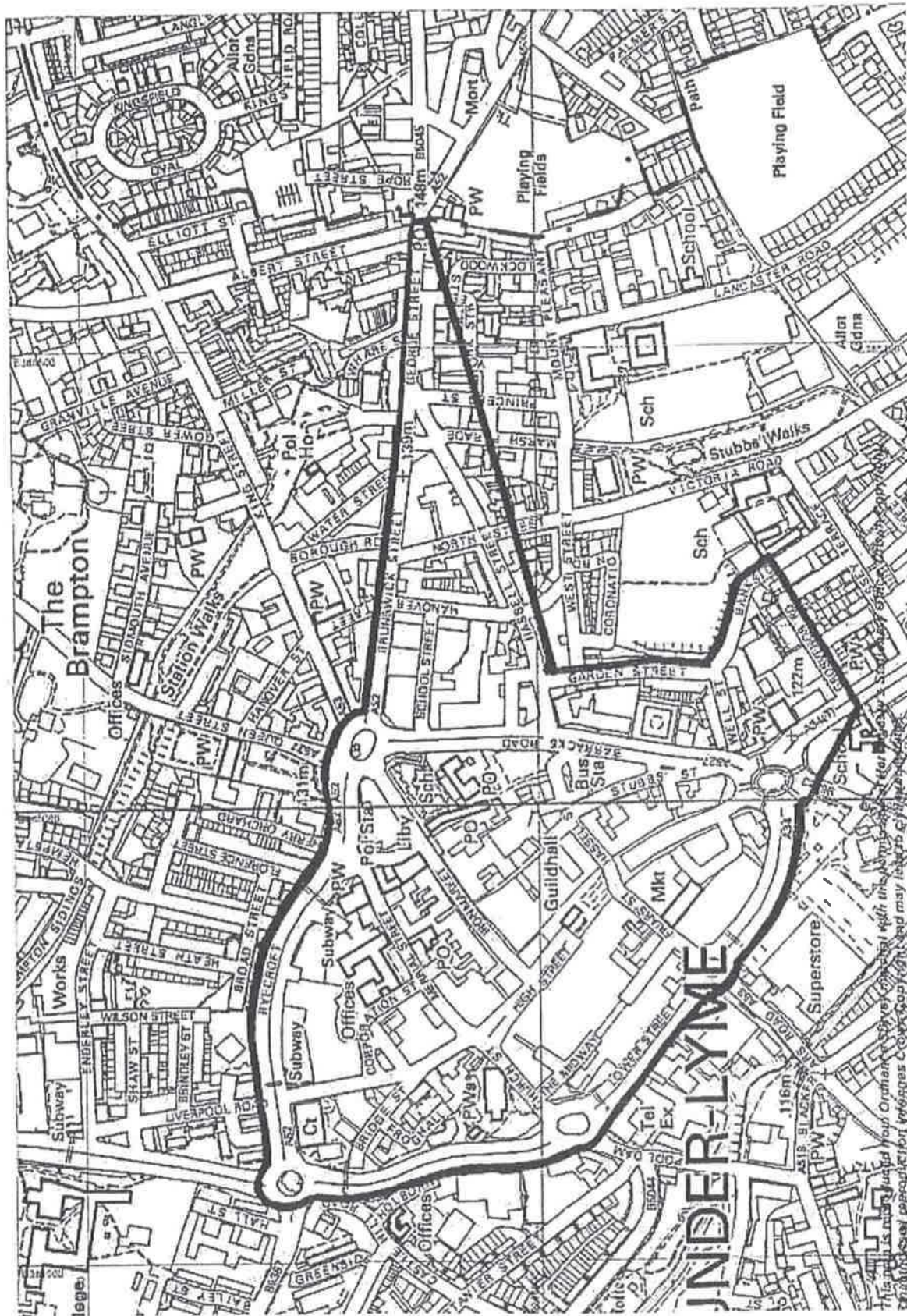
## 2. **Issues**

- 2.1 Representatives from Staffordshire Police will be in attendance at the meeting to present evidence regarding the Special Saturation Policy. Additional information from Staffordshire Police will be forwarded to Members of the Committee prior to the meeting

## 3. **Options**

- 3.1 The Committee can:-
- (1) Retain the area as it currently stands.
  - (2) Retain the area as it currently stands and review on a twelve monthly basis.
  - (3) Opt to consider expansion or reduction of the area covered by the current policy subject to the necessary consultation.





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# Agenda Item 6

## **COUNCIL'S SCHEME OF DELEGATION – DETERMINING APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUE LICENSES**

**Submitted by:** Rebecca Cooper – Legal Services

### **Purpose of the Report**

To inform the Committee of the need to amend the Council's Scheme of Delegation to determine applications for Sexual Entertainment Venue licences.

### **Recommendation**

That it be recommended to full Council that the Council's Scheme of Delegation be amended to provide:-

- (1) that all applications for the grant of a new Sex Establishment Licence will be determined by the Licensing Committee.
- (2) that all applications for the grant, variation or transfer of Sex Establishment Licences whether or not representations are received will be determined by the Licensing Committee.

### 1. **Background**

Members will recall that at the Council meeting on the 23<sup>rd</sup> February 2011 the Sex Establishment Policy in relation to the regulation and licensing of Sex Establishments was adopted. A Sex Establishment means a Sex Cinema, Sex Shop or Sexual Entertainment Venue.

It is proposed to amend the Council's current Scheme of Delegation by deleting the current all encompassing delegation at item 11 'Licensing Functions' and replace that delegation with the specific delegations recommended above in order to reflect what is contained in the agreed policy.

### 2. **Issues**

The Council is obliged to exercise all of its powers and duties in accordance with the law and the Constitution.

### 3. **Options**

The Committee can only act in accordance with its delegated powers.

### 4. **Options Linked to Sustainable Community Strategy and Corporate Priorities**

#### **Creating a Borough of Opportunity**

People are able to work can do so and there is improved prosperity.  
There is an entrepreneurial culture.

#### **Creating a Cleaner, Safer and Sustainable Borough**

People are safe and feel safe in their homes, neighbourhoods parks and open space

People have access to enjoy and feel safe in our towns, shopping centres and places of work.

5. **Legal and Statutory Implications**

Failure to follow the correct procedure could result in judicial challenge.

6. **Equality Impact Assessment**

No issues identified

7. **Financial and Resource Implications**

Fees charged cover the Council's costs

8. **Major risks**

None