

## **Licensing Committee – Meeting held on Thursday, 22nd July, 2010.**

**Present:-** Councillors Davis (Chair), Rasib, S Chaudhry, P Choudhry, Dhillon, Dodds, Long, Maclsaac and Sohal

**Apologies for Absence:-** Councillors S K Dhaliwal and Shine

### **PART 1**

#### **6. Declaration of Interest**

Councillor Maclsaac declared a personal interest as he was a frequent user of the taxi service.

#### **7. Minutes of the Last Meeting held on 3rd June 2010**

The minutes of the meeting of Licensing Committee held on 3<sup>rd</sup> June, 2010 were approved as a correct record.

#### **8. Review of Membership of the Licensing Sub Committee**

Members were reminded that at its meeting in June, 2010 the Licensing Committee established a Licensing Sub-Committee of 3 members from the Committee and agreed its terms of reference. The Committee had agreed to the appointment of designated chairs to the Sub-Committee and that these members would chair the meetings of the Sub-Committee on a rota basis. It was also agreed that the allocation of seats on the Licensing Sub-Committee would be politically proportionate and at that time included 2 Labour Group and 1 BILLD Group member.

At its meeting on 29<sup>th</sup> June, 2010 the Council reviewed the allocation of seats on Committees, following notice that Councillor Pabbi had joined the Conservative Group. It was noted that the Labour Group now comprised of 23 members and both BILLD and Conservative Groups had 9 members respectively. The revised Group membership resulted in the BILLD and Conservative Groups having the same entitlement to the 1 seat on a Sub-Committee of 3.

One of the options available to the Committee was highlighted as the third seat on the Sub-Committee to rotate between the BILLD and Conservative Group. Members agreed that the most practical way forward was for the third seat on the Sub-Committee to rotate between a BILLD and Conservative member. In the ensuing discussion, a query was raised with regard to whether the Conservative Group were entitled to a designated chair position on the sub-committee. It was agreed that this issue would be investigated further and reported back to a future meeting.

**Resolved –** That the Opposition seat on the Licensing Sub-Committee to rotate between the BILLD and Conservative Group.

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### 9. Delegation of Functions - Minor Variations

The Licensing Manager reported that the Licensing Act 2003 had been amended to make provisions for a simplified process in relation to Minor Variations regarding premises licences and club premises certificates. It was highlighted that the Government was recommending that decisions on minor variations to be delegated to licensing officers and that this was a practical suggestion given that such applications had to be determined within 15 working days and that there was no right to a hearing.

It was clarified that the process could only be used for minor variations that would not impact adversely on the promotion of any of the licensing objectives. Variations which could be considered as minor were detailed as:

- Minor variations to the layout of the premises
- Variation to licensed hours subject to certain exclusions in relation to alcohol
- An application to remove a licensable activity
- The revision or removal of conditions where they were in conflict with new legislation
- The addition of volunteered conditions or changes to name and address on a licence.

Details relating to what the minor variation process could not be used for were outlined and included not extending the period for which the licence or certificate had effect or substantially varying the terms and conditions of a licence.

The Licensing Manager outlined the application procedure for minor variations which included a notice being displayed on the premises for a period of 10 days. It was noted that there was no requirement for applicants to notify responsible authorities of their application, instead responsible authorities were involved at the request of the Licensing officer who had to consult with those responsible authorities deemed to be able to comment on the application as relevant to the licensing objectives. The timescales for within which a licensing authority had to process and determine an application was noted as within 15 working days. If a decision was not made within 15 working days the application was deemed refused and the fee would be returned. It was noted that the fee was set at £89.

#### **Recommended to Council -**

- (a) That the delegation of the decision making for Minor Variations to the Assistant Director of Public Protection and Licensing Officers.
- (b) That the Scheme of Delegation to Officers in Part 3 of the Council's Constitution in relation to the Licensing Act 2003 be amended accordingly.

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### **10. Licensing of Sexual Entertainment Venues**

Members were reminded that in March 2010 an information report had been submitted to the Licensing Committee, advising of the reclassification of lap dancing and pole dancing clubs and similar premises as sexual entertainment venues under the amendment to schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA) 1982 by Section 27 of the Policing and Crime Act 2009 and of the need to adopt the new provisions in order to licence and regulate such premises. It was noted that the Council had originally adopted the previous provisions of the LGMPA 1982 in March 1984 and that the new provisions needed to be adopted before they could take effect.

It was brought to Members attention that there were currently two premises in Slough that would require the adoption of such provisions. The Licensing Manager explained that the existing operators would be permitted to continue to provide 'relevant entertainment' under their existing permission without interruption for the duration of the transitional period or until their application for a sex establishment licence had been determined, whichever was the later. Members were informed that the transitional period would start on the date the amendments to schedule 3 to the 1982 Act came into force in the relevant local authority area and that it would last for 12 months. It was also highlighted that the Government had decided that existing operators would not be given 'grandfather rights' and would have to apply for a new type of licence.

Members were informed that further reports would be submitted to the Licensing Committee in due course with regard to fees, standard terms and conditions, application forms and procedures and either a new or amended policy for sex establishments.

#### **Recommended to Council –**

- (a) That the Council resolve to formally adopt the amendments to the provisions of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009.
- (b) That where a resolution is made to adopt the new provision to statutory notice of the resolution is published within the specified time periods.
- (c) That the date for the new provisions to take effect should be at least 2 months from the date of the formal resolution of the adoption.

### **11. Licensing Act 2003 - Review of Statement of Licensing Policy 2010**

Members were advised of the statutory 3 yearly review and consultation of the Council's Statement of Licensing Policy under section 5 of the Licensing Act 2003. It was noted that the Licensing Act 2003 required Licensing Authorities to put in place a statement of licensing policy and that this policy be reviewed

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at least every 3 years. Members were reminded that the Council had adopted the original statement of licensing policy in 2004 and approved a revised document following consultation in 2007. It was noted that this policy would lapse in December 2010.

A revised draft document had been prepared in line with best practice framework for the review of licensing policy statement and was currently the subject of a consultation. It was brought to Members' attention that the draft document contained a number of additions following new processes and procedures implemented through the 2003 Act and the Policing and Crime Act 2009. Members' were informed that the result of the consultation would be submitted to the Licensing Committee in November 2010 for recommendation to full Council on 30<sup>th</sup> November 2010.

**Resolved** – That the report be noted.

### **12. Members Attendance Record**

The Senior Democratic Services Officer reported that a Members Attendance report would be submitted to each meeting, highlighting members attendance at the Licensing Committee. It was noted that this was a requirement as directed by the Standards Committee to monitor Members performance and was for information purposes only.

A Member raised a query with regard to having been recorded as part attendance at the previous meeting, when he had attended the meeting but could not remain for the duration of the meeting due to the fact that he had not received the appropriate training. It was agreed that it would be investigated whether comments could be added to the Members Attendance Record to clarify part attendance at meetings.

**Resolved** – That the report be noted.

### **13. Vote of Thanks**

Committee Members wished to place on record their appreciation and thanks to David Turner, Licensing Officer, for his valuable contribution to the Licensing Department over the years and wished him well for the future.

### **14. Date of Next Meeting - Tuesday 28th September 2010**

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.10 pm)