

**MINUTES of the meeting of Extraordinary Licensing Committee held on
3 November 2010 at 7:00 pm**

Present: Councillors Mike Stone (Chair), Wendy Curtis, Tunde Ojetola and John Purkiss

Apologies: Councillors Robert Gledhill, Terry Hipsey, Gerard Rice, Stuart St. Clair-Haslam, Pauline Tolson and Stephen Veryard

In attendance: L Magill - Head of Public Protection
P Adams – Principal Licensing Officer
D Houghton – Senior Licensing Officer
H Graydon - Licensed Conveyancer, Legal Services
B Clarke – Principal Democratic Services Officer
Mr J Peters – Observer on behalf of the Standards Committee

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 REVIEWED STATEMENT OF LICENSING POLICY

The Principal Licensing Officer, Paul Adams introduced the report which outlined the requirements of the Licensing Act 2003 in relation to the review of the Statement of Licensing Policy. The draft Policy was appended to the report for Member comment and the Committee was requested to consider the recommendation, that the draft reviewed Statement of Licensing Policy be referred to Council for its adoption.

Members queried whether Ward Members could be advised when an application was made to the Authority in relation to a licence under the Act and were advised that a report had been prepared in relation to the query and that Ward Members were to receive a weekly list, commencing the week following the meeting, which would advise of a deadline for Member comment.

In discussing whether any Member could make representations as an Interested Party, Members were informed that this would be looked at on a case by case basis dependent on whether there could be a prejudicial interest.

Members also discussed whether there was the opportunity to have included within the Policy a local restriction that prevented 24 hour licensing, for instance, in residential areas. It was explained that whilst it may be possible, this could lead to legal challenge and therefore it was prudent for the Council to judge the matter case by case. Currently there were Accumulative Impact Policies which were requested by Essex Police, based on crime. This was reviewed by area and allowed for Responsible Authorities as well as Ward Members, as Interested Parties, to make representations.

Members debated the Guidance in relation to residential areas and where the emphasis of nuisance to neighbours was quoted it was the responsibility of the applicant to prove against the claim.

Councillor Ojetola asked whether the format of the forthcoming weekly notice could be sent via email and Members were advised that whilst this would be the case, publication of the notices on the website was also being investigated.

RESOLVED:

That Council be advised that the Licensing Committee recommends the adoption of the reviewed Statement of Licensing Policy for Thurrock as appended to the report.

3 SEX ENCOUNTER ESTABLISHMENTS – NEW LICENSING PROVISIONS

The Principal Licensing Officer, Paul Adams introduced the report which outlined the new legislation with regard to Sex Encounter Establishments.

Members were informed that until now the Licensing Act 2003 had had limited powers to deal with applications and objections with regard to these types of licence applications. The change to the legislation had offered Licensing Authorities greater powers when considering the use of the premise within the locality and to refuse or condition a licence.

Members were advised that should the Council choose not to adopt the provisions of Section 27 of the Policing and Crime Act 2009 by April of next year, the Council would be required to consult further as to whether the provisions should be agreed or not.

The Committee discussed the possibility of Ward Members being advised when an application was made within their ward and it was agreed that an additional recommendation be added as set out at e) below.

The matter of costs involved was discussed, as were the financial implications contained within the report. Members were informed that the fee levels would be set on a cost recovery basis and that currently, in relation to a query regarding any additional workload, there was only one premise in the Borough that required a licence with one other that may apply. It had been determined that at this time, there would not be a noticeable impact on the workload, however if this were proven incorrect Members were informed that a report would be taken to, possibly a joint meeting of the Licensing and Public Protection Committees to look at whether the fees were reasonable.

Members were also informed that in adopting the provisions it could be more difficult for an applicant to get a licence.

RESOLVED:

That the Licensing Committee recommends that Council:

- a) **adopts the provisions of the Section 27 of the Policing and Crime Act 2009 which amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (control of sex establishments) relating to the licensing of sexual entertainment venues**
- b) **sets a date for the adoption of those measures (the First Appointed Date) in order that the appointed day be as early as is practically achievable having regard to the legislation and the Council's Committee timetable**
- c) **delegates the authority to determine any application under the provisions, to the Licensing Sub-Committees**
- d) **sets the fee levels to that of other Sex Establishment Licenses**
- e) **recommends that the Licensing Officers notify Ward Members if any relevant applications are received within their Ward.**

The meeting finished at 7.32pm.

Approved as a true and correct record

CHAIRMAN

DATE

**Any queries regarding these Minutes, please contact
Beverlee Clarke, telephone (01375) 652721,
or alternatively e-mail bclarke@thurrock.gov.uk**

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