

DRAFT MINUTES of the meeting of the Extraordinary Licensing Committee held on 4 January 2012 at 7.00pm.

Present: Councillors Mike Stone (Chair), Tunde Ojetola (Vice-Chair), Wendy Curtis, Sue Gray, James Halden (substitute for Gary Hague), Martin Healy (substitute for Angie Gaywood), Terry Hipsey, Victoria Holloway, Tom Kelly, Ben Maney, John Purkiss, Pauline Tolson and Simon Wootton (substitute for Robert Gledhill).

Apologies: Councillors Angie Gaywood, Robert Gledhill, Garry Hague and Gerard Rice.

In attendance: Lucy Magill - Head of Public Protection
Chief Inspector Baxter, Essex Police
Jim Nicolson - Community Protection Manager
Paul Adams – Principal Licensing Officer
Alison Stuart– Legal Services
Remi Aremu – Legal Services
Victoria Freeman – Senior Democratic Services Officer

24 DECLARATION OF INTERESTS

Councillor Ojetola declared an interest in Item 3 on the agenda, in that he knows an individual who is an organiser of SERICC.

25 STATEMENT OF LICENSING POLICY IN RELATION TO SEX ESTABLISHMENTS

The Principal Licensing Officer introduced a report to the Committee which requested Members consider the response to the public consultation on the “Draft statement of licensing policy in relation to Sex Establishments”.

Members were advised that responses had been received from South Essex Rape & Incest Crisis Centre (SERICC) and Thurrock Woman’s Aid in relation to the consultation and Members were referred to the report for a detailed summary of the matters which had been raised by these parties, namely those mentioned below a-e, and informed Members that the draft policy had been updated to reflect these issues:

- a) “Nil policy”;
- b) Gender balanced sub-committees and working parties;
- c) The maintenance of a register of interested parties;

- d) The inclusion of the promotion of gender equality as a specific objective for sex establishment licensing.
- e) A comprehensive set of standard conditions.

Members expressed the following concerns and received the relevant advice from officers:

i) **Refusals and revocations of licences (Appendix F)**

Paragraph 1(c) - Members were concerned that a period of 6 months was not sufficient, however were advised that this limit had been prescribed by legislation and was not a policy consideration for the Council.

Paragraph 3(c) – Members raised concern regarding the term ‘relevant locality’ and suggested that a clearer definition be inserted into the policy to provide a clear understanding for residents and were advised that the wording contained within the draft policy was a direct lift from legislation and that there was no legal definition of ‘vicinity’ and that an individual could add their own interpretation to this and that if Members were minded to make the term prescriptive, this could create problems in the future.

- ii) **Sex Establishment Fees (page 25)** –The relatively low cost of transferring a Sex Establishment Licence and were advised that the £100 fee had previously been agreed by Members and that this figure reasonably reflected the minimal amount of work involved in processing the transfer application.
- iii) **General Provisions (page 33, paragraph 64)** – Members requested that if a dancer who is ineligible to work in the UK applies for employment at an establishment, that the Licence Holder notifies the relevant authority and were advised that there was currently legislation in place that covered this and that this was enforced by other agencies. This condition would be amended to advise licence holders of their responsibilities.
- iv) **Dancers Welfare Policy (page 33)** – Members were concerned that the policy would not be adhered to and were advised that checks would be undertaken on an annual/biannual basis for a sex shop and every 3-4 times a year for a sexual entertainment venue, however, if complaints were received, then more frequent checks would be undertaken.
- v) **CCTV Conditions (page 28, paragraph 23)** – Members were advised that if a defect of the CCTV were reported to the Council, the licence holder should ensure that repairs to the system were effected as soon as reasonably practicable, however, if the system experienced further defects or was

unable to be prepared, the Licensing Department would seek to establish the problem and subsequently make a judgement on what a reasonable timescale would constitute; and that if the Licence Holder failed to report a defect/fault in the system, then retrospective action could be taken as a condition on their licence would have been breached.

Members were informed that copies of the agenda for this meeting had been distributed to both the South Essex Rape & Incest Crisis Centre and Thurrock Women's Aid and that both parties would be advised of the Committee's decision.

RESOLVED:

- i) That the Licensing Committee considered the responses received to the public consultation and the changes made to the draft 'Statement of Licensing Policy in relation to Sex Establishments'.**
- ii) That Council be recommended to adopt the draft 'Statement of Licensing Policy in relation to Sex Establishments'.**
- iii) That Member training for members of the Licensing Committee include suitable basic training in gender equality legislation.**
- iv) That the Licensing Department actively monitors premises that are using exceptions to the legislation.**

26 DESIGNATED PUBLIC PLACE ORDERS – RESULTS OF PUBLIC CONSULTATION

The Community Protection Manager introduced the report which provided Members with the outcome of the public consultation regarding the proposed introduction of four Designated Public Place Orders (DPPOs) to cover the Flowers Estate, South Ockendon; the King George 5th and Blackshots Playing Fields and Lodge Lane and the Dipping, Little Thurrock; Delafield Park, Little Thurrock and the Village Green, Little Thurrock.

The Committee were reminded that at the meeting of the Licensing Committee on the 26 July 2011, Members had requested that public consultation be undertaken on the four proposed locations. Members were advised that since this meeting, repeated requests had since been made for updates from the Home Office on the implementation of Community Protection Orders, a possible replacement for DPPOs, however a response had not been received until late September and final confirmation not until 5 December 2011.

Members were advised that the recommended Home Office guidance relating to consultation had been followed in that:

- i) A notice was published in the Enquirer on the 17 November 2011 asking for residents to submit their views in writing.
- ii) Consultation had been undertaken with the Local Police Commander and the views of Chief Inspector Baxter, Essex Police, had been obtained.
- iii) Letters had been sent to 26 licensed premises and where appropriate, their head offices in or near the proposed DPPOs.
- iv) A dedicated monitoring programme for police activity in the four proposed areas had been established.
- v) Initial posters had been displayed at the Civic Offices; Civic Hall, Blackshots; Grays Library; Belhus Library; Grays and South Ockendon Police Stations; South Ockendon Community Forum, inviting responses to the consultation via an online questionnaire, email or by writing directly to the Public Protection Team. Additional posters were subsequently displayed on the Flowers Estate.
- vi) Public meetings were held at various venues including St Mary's Church, Little Thurrock (covering the Village Green and Delafield Park); Friends of Blackshots (covering the Playing Fields, Lodge Lane and the Dipping) and the South Ockendon Community Forum (covering the Flowers Estate); and hard copies of the questionnaire had been supplied to all these locations to assist in increasing the response rate.
- vii) The closing date for the consultation process had been extended to the 2 January 2012 and notices confirming the extension had been displayed on the posters.

Members were advised that overall, the extent of the consultation that had been undertaken had compared favourably with the consultation undertaken for previous DPPOs in Thurrock i.e. Grays Town Centre.

A document detailing the additional responses received from members of the public as a result of the extension of the consultation period from 19 December 2011 to January 2012 was tabled at the meeting and Members were advised that no further responses had been received in regard to the proposed DPPO locations, with the exception of the Flowers Estate which raised the following:

1. Online questionnaire – Four additional responses received, all of which referred to school-age children and 'slightly older' teenagers

binge drinking; noise at weekends; overturned wheelie bins; cans and bottles frequently discarded and sometimes filled with urine.

2. Written questionnaire – Fifteen additional responses received which reported various anti-social behaviour nuisances, including incidences of damage and fighting/shouting where alcohol involved. The ages of the offenders had been identified in eleven of these replies and all but one described offenders as children or teenagers (including one reference to people up to the age of 19 years).
3. Emails – One email had been received from South Ockendon Community Forum that reported that six members of the public had expressed views that a DPPO was not required. It was felt that police officers had sufficient powers already to deal with the youngster who was causing the problems.

The Committee was informed that a number of responses to the consultation had been received by the Public Protection Team on the day of the meeting.

Members expressed concern that many residents were not aware of the consultation and were concerned that the consultation process had been inadequate. It was felt that there should have been heavier reliance on Member representation and there needed to be community reassurance that responses received were considered.

Members were advised that the DPPOs were only effective if the person/s involved were above the age of 18, as legislation already existed which dealt with those under the age of 18 drinking in public places. Members were further advised that the Young People's Drug and Alcohol Action Team (DAAT) held the remit for responding to alcohol misuse by those under the age of 18, which seemed to be the root of many of the problems identified from residents through the consultation process. This body had recently been aligned to work more closely with the Adult DAAT, under the supervision of the Community Protection Manager.

The Chair invited Councillor Amanda Arnold to address the Committee as the Ward Member for Ockendon, upon which she supported a DPPO to cover the Flowers Estate, South Ockendon.

The Head of Public Protection reminded Members that an update had been provided to the Licensing Committee in October advising that a response was awaited from the Home Office and that due a lack of funding being available, without confirmation that a partnership bid had been successful, the consultation process could not be commenced.

It was proposed by Councillor Ojetola that:

“That the report to the Licensing Committee be presented to Full Council for consideration and for Full Council to decide whether the implementation of the DPPOs should be progressed, thus allowing all Members to debate the issue”.

Mr Aremu, Legal Services, advised Members that the resolution made by the Committee to Council should be clear and that the resolution either had to be that:

- a) The Committee supported the officer recommendations contained within the report, whereupon a briefing note to update Council would be prepared; or
- b) The Committee decided to go contrary to Officer recommendation and proceed with the DPPO, whereupon the decision of implementing the DPPO would be referred to Council.

The proposal was duly seconded by Councillor Maney, who stated that by deferring the report to Full Council for consideration, the effected Ward Members would be able to contribute fully to the debate and the decision making process.

It was explained to Members that the Police already had existing powers to deal with the concerns raised and that education was the key to reducing the drinking of alcohol in public places and that the Council would be adopting measures to tackle the current problem in Thurrock. In addition, Members were advised that Trading Standards were working closely with Essex Police and there had an increase in the number of test proxy sales being undertaken in the borough.

Councillor Maney informed the Committee that a common complaint raised within the Little Thurrock Blackshots Ward was the inappropriateness of public drinking in play areas and was advised by the Chief Inspector that the DPPO would not solve inappropriate drinking, since it could only be used where a person over the age of 18 was drinking and acting in an anti-social manner.

Councillor Purkisss, Ward Member for East Tilbury, informed Members that over the last three years, there has been an improvement in drinking by young persons in his Ward, and this has been attributed to the installation of CCTVs in the problem areas and a good working relationships with the Police and PCSOs; and suggested that appropriate signs be displayed as a deterrent i.e. ‘Drinking of alcohol not permitted in play area’ be installed. The Head of Public Protection agreed that this would be considered, although it was noted that this would essentially only be a deterrent and would not be enforceable as there was no legislative power if breached.

The Chair suggested to Members that the determination of the item be deferred to a future meeting to allow for further investigation to be undertaken.

However, being put to the vote, 7 Members voted in favour of Councillor Ojetola's proposal and 6 against, upon the Chair declared the proposal carried.

Members further requested and agreed that:

- i) All the consultation responses, including those received after the close of the consultation period be provided to Full Council.
- ii) That the outstanding responses to the concerns raised by residents be included in the report to Full Council.

RESOLVED:

- i) **That the report to the Licensing Committee be presented to Full Council for consideration and for Full Council to decide whether the implementation of the DPPOs should be progressed, thus allowing all Members to debate the issue.**
- ii) **That the outstanding responses to the concerns raised by residents be included in the report to Full Council.**
- iii) **All the consultation responses, including those received after the close of the consultation period be provided to Full Council.**

The meeting finished at 8.37pm

Approved as a true and correct record

CHAIRMAN

DATE

**Any queries regarding these Minutes, please contact
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or alternatively e-mail VEFreeman@thurrock.gov.uk**