

DRAFT MINUTES of the meeting of Licensing Committee held on 13 October 2011 at 7.00pm.

Present: Councillors Mike Stone (Chair), Tunde Ojetola (Vice-Chair), Wendy Curtis, Angie Gaywood, Robert Gledhill, Sue Gray, Garry Hague, Victoria Holloway, Tom Kelly, Aaron Kiely (substitute for Gerard Rice), Pauline Tolson and Simon Wootton (substitute for Ben Maney)

Apologies: Councillors Ian Harrison, Terry Hipsey, Ben Maney, Gerard Rice

In attendance: Jo Olsson - Director of People Services
Lucy Magill - Head of Public Protection
Paul Adams – Principal Licensing Officer
Helen Graydon – Legal Services
Victoria Freeman – Senior Democratic Services Officer

16 MINUTES

The minutes of the Meeting of the Licensing Committee held on 26 July 2011, were approved as a correct record.

It was requested that it be minuted that under Item 13, that:

“Councillor Gaywood had highlighted to Members that additional costs would be incurred with having four smaller Designated Public Place Orders (DPPOs), compared to a single DPPO that covered the Little Thurrock Wards.”

17 ITEMS OF URGENT BUSINESS

The Chair advised that there were no items of urgent business.

18 DECLARATIONS OF INTEREST

Councillor Gledhill declared an interest in Item 5 on the agenda, in that he was a Ward Councillor for Little Thurrock Rectory.

Councillor Kelly declared an interest in Item 5 on the agenda, in that he was a Ward Councillor for Little Thurrock Rectory.

19 STATEMENT OF LICENSING POLICY IN RELATION TO SEX ESTABLISHMENTS

The Principal Licensing Officer presented a report to the Committee which requested members agree the draft 'Statement of Licensing Policy in relation to Sex Establishments' for public consultation and following consultation, to agree that the report would be brought back to the Licensing Committee for approval before adoption at Full Council.

Members were advised that the draft policy would be subject to a 28 day public consultation, which would seek views from local residents, community groups (including SERICC and Thurrock Faith Forum), existing and future potential holders of sex establishment licences in the Borough, relevant statutory bodies (including Essex Police and Social Services) and representatives of holders of premises licences under the Licensing Act 2003 in the Borough (including existing sex establishment premises).

The Chair introduced Councillor Worrall, Portfolio Holder for Community, Culture and Leisure, to the Licensing Committee and invited her to attend all future meetings of the Committee.

Members raised concerns regarding the outside appearance of sex establishment premises i.e. window dressings, and were advised that a condition could be attached to a licence that would allow individual premises to that effect to be tailored and that this could include any part of the premise that could be viewed from the shop when open to the public.

Councillor Gaywood questioned whether it would be possible to limit the number of sex establishments in the Borough and was advised that whilst the council had not imposed a limit on the number of premises that could be licensed in an area, and whilst treating each application upon its own merits, the Council was of the view that it was not appropriate to have a sex establishment situated within a 'relevant locality' of:-

- a) a residential area;
- b) a school, nursery or any other premises substantially used by or for children under 16 years of age;
- c) a park or other recreational area used by or for children under 16 years of age;
- d) a place of religious worship.

However, despite the Council's views on the limitation of sex establishments, Members were advised that this would not stop applications being submitted, and it would be for the applicant to justify the departure from policy.

Councillor Gaywood suggested that it be included in the policy under Paragraph 3 (Location of Licensing Premises), that the Council would be of the view that it was not appropriate to have a sex establishment situated near or in the vicinity of walking routes to schools and children's nurseries. The Principal Licensing Officer advised Members that this would be incorporated into the draft policy and that the wording 'where children are commonly found' would be inserted into the policy. Furthermore, reference was made to vulnerable adults, and Members were advised that this would also be taken into consideration.

Members made reference to paragraph 2.2 of the report 'the Act makes no requirement for the publication of a policy in relation to Sex Establishments and leaves it open to each Local Authority to publish on, if it is felt appropriate to do so', and questioned why Thurrock Council took the view to publish the policy. The Principal Licensing Officer advised Members that although legislation did not require the policy to be published, it was good practice and that the policy provided information to residents on the process of objecting to an application and also provided Members with further guidance.

Members sought clarification on what constituted a variation of a licence and were advised that a premises refit or reconfiguration would usually constitute a variation, however if a sex shop were to become a sex cinema, then the submission of an application for a new licence would be required.

Members were advised that if Members agreed to the draft 'Statement of Licensing Policy in relation to Sex Establishments' for public consultation, that following consultation, the report would be brought back to the Licensing Committee for approval before its adoption at Full Council.

RESOLVED:

- i) **That the draft 'Statement of Licensing Policy in relation to Sex Establishments' be agreed.**
- ii) **That following consultation, the report be brought back to Licensing Committee for approval before adoption at Full Council.**

20 DESIGNATED PUBLIC PLACES ORDER (DPPO) UPDATE

The Head of Public Protection presented a report that provided the Licensing Committee with an update on the work undertaken in relation to Designated Public Places Orders.

Members were reminded that at the Licensing Committee meeting held on the 26 July 2011, a series of reports were presented on the

proposed implementation of Designated Public Place Orders (DPPOs) and that the Committee had resolved to proceed to the next stage of the process, consultation, in respect of 5 separate specified areas.

It was suggested by Councillor Gledhill that as Little Thurrock Rectory Ward bordered Little Thurrock Blackshot Ward, a single DPPO would be necessary to cover these wards, and that the reduction in the number of DPPOs could possibly help with funding.

Members were concerned that although a Dispersal Order had been implemented in Lodge Lane, problems continued to exist in the area ie empty alcoholic drink cans left in the street.

The Head of Public Protection informed Members that a funding bid would be submitted to the Community Safety Partnership, however, it might be necessary to reduce the budget available in other areas to finance the DPPOs if they were implemented i.e. from the food testing budget, and discussions were currently taking place with the Portfolio Holder to identify where the budget could be taken from if necessary.

Members questioned whether a borough wide DPPO would reduce costs, and were reminded by Officers that at the meeting held on the 26 July 2011, Members had resolved not to initiate consultation on the implementation of a Borough-wide DPPO. The Director of People Services advised that the implementation of a DPPO in a specific area would need to be justified on the balance of risk and considered on its own merits and that a borough-wide DPPO would be disproportionate in this instance and could possibly expose the Council to criticism in relation to rights and responsibilities.

Councillor Gaywood reiterated to Members the cost implications for the Council in having a number of DPPOs in the borough.

At this point in the meeting, Councillor Gaywood declared an interest, in that Lodge Lane fell within her Ward.

During discussion, it was suggested that an application to submitted to the Housing Revenue Account (HRA) for funding for the potential DPPO on the Flowers Estate, as this land was owned by Thurrock Council. It was also suggested that the businesses in Lodge Lane be approached for funding for the potential DPPO in Lodge Lane.

Councillor Holloway requested it be noted that the estimated cost of £2,500 was notable in the current economic climate.

RESOLVED:

That the progress made and the plan of work, be noted.

21 DCMS CONSULTATION ON PROPOSAL TO REFORM ACTIVITIES CLASSED AS REGULATED ENTERTAINMENT

The Principal Licensing Officer introduced a report to Members that advised of the Department for Culture, Media and Sport's (DCMS) consultation on the proposal to reform activities classed as Regulated Entertainment under the Licensing Act 2003.

The Committee were informed that the full draft response to the consultation would be circulated to Members during the following week and any comments should be forwarded to the Principal Licensing Officer to be incorporated into the final consultation response.

During discussion, Members were concerned that events with an audience of fewer than 5,000 people would be deregulated from the Licensing Act 2003.

Councillor Ojetola proposed an amendment to recommendation 1.2 contained with the report:

“To pass any comments Members wished to be included in a Thurrock Council response to the Principal Licensing Officer before the 11 November 2021, in consultation with the Chair.”

The proposal was duly seconded by Councillor Stone and unanimously agreed by Members:

RESOLVED:

- i) That the content of the DCMS consultation proposal to examine the deregulation of Schedule One of the Licensing Act 2003, be noted.**
- ii) That any comments Members wished to be included in a Thurrock Council response be passed to the Principal Licensing Officer before the 11 November 2011, in consultation with the Chair.**

22 REVIEW OF LICENCE FEES

The Principal Licensing Officer presented a report to Members on the responses received to the consultation on the previously agreed revision of fees for Hackney Carriage / Private Hire Vehicles and Private Hire Operators.

Members were informed that consultation had taken place with trade representatives and that no comments had been received from these bodies, however representations had been received from 2 larger operators in the Borough, as attached to the report.

RESOLVED:

- i) That Full Council be recommended to adopt the licence fees as attached in Appendix A to the report.**
- ii) That Full Council be recommended to adopt the revised licence fee schedule after consideration of the comments received.**

23 POLICE REFORM AND SOCIAL RESPONSIBILITY BILL

Members received a verbal update by the Principal Licensing Officer, of the progress of the Police Reform and Social Responsibility Bill and were provided with information on the changes that the Police Reform and Social Responsibility Act 2011 would make to the Licensing Act 2003.

It was proposed by Councillor Gledhill (duly seconded by Councillor Ojetola) and unanimously agreed, that a further recommendation be added, to append the officer's verbal update note to the minutes of the meeting and a link provided to this document on CMIS.

RESOLVED:

- i) That the information provided in the presentation, be noted.**
- ii) That the officer's verbal update note be appended to the minutes and a link provided to the document on CMIS.**

The meeting finished at 8.07pm

Approved as a true and correct record

CHAIRMAN

DATE

**Any queries regarding these Minutes, please contact
Victoria Freeman, telephone (01375) 652205,
or alternatively e-mail VEFreeman@thurrock.gov.uk**