

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE LICENSING AND
REGULATORY COMMITTEE – 16 FEBRUARY 2012

SUBMITTED TO THE COUNCIL MEETING – 21 FEBRUARY 2012

(To be read in conjunction with the Agenda for the Meeting)

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| * Cllr Elizabeth Cable (Chairman) | * Cllr Tony Gordon-Smith |
| * Cllr Simon Inchbald (Vice-Chairman) | * Cllr Lynn Graffham |
| Cllr Gillian Beel | * Cllr Peter Isherwood |
| * Cllr Maurice Byham | * Cllr Carole King |
| * Cllr Patricia Ellis | * Cllr Bryn Morgan |
| * Cllr Jenny Else | * Cllr Brett Vorley |

*Present

27. MINUTES (Agenda Item 1)

The Minutes of the Meeting held on 15 December 2011 were confirmed and signed.

28. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence had been received from Cllrs Gillian Beel and Maurice Byham. Cllr Nick Williams attended as a substitute.

29. DISCLOSURE OF INTERESTS (Agenda Item 3)

There were no interests declared.

PART I – RECOMMENDATIONS TO THE COUNCIL

30. FINANCIAL STRATEGY 2011/2012 – 2014/2015 - GENERAL FUND
BUDGET 2012/2013 (Appendix A)

- 30.1 The Committee received a report that sought the Committee's agreement to its draft Revenue Estimates and approval of the schedule of Licensing and Regulatory Fees and Charges for 2012/2013 as part of the Budget process.
- 30.2 The report updated the Committee on the latest position regarding the draft General Fund Budget for 2012/13 and contained much of the information reported to the Executive on 7th February. The Star Chamber had formulated proposals for reducing the Budget shortfall. Those proposals were included within the report and the Committee was invited to make any observations on them.

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- 30.3 The Committee's attention was drawn in particular to the schedule of fees and charges for the Licensing Service from 1 April 2012 which were generally within the guideline of 4.5%, and the recovery rates which had been enhanced by a reduced recharge from Environmental Health Services which had brought the costs down.

The Committee considered the Star Chamber proposals for the Licensing service and RESOLVED to RECOMMEND to Council that

1. **the level of Fees and Charges for 2012/2013 be approved in accordance with the schedule at Annexe 1; and**
2. **the draft Revenue Estimates for 2012/2013 and as amended by the Star Chamber proposals at Annexe 2 be approved.**

31. PUBLIC CONSULTATION AND DRAFT POLICY FOR SEXUAL ENTERTAINMENT VENUES (Appendix B)

- 31.1 The Committee received a report that provided members with a brief summary of the provisions introduced by the Policing and Crime Act 2009, to reclassify lap dancing, pole dancing clubs and venues that provided similar entertainment as Sexual Entertainment Venues (SEVs) under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LGMPA). Waverley Borough has no such premises at present.
- 31.2 The Government's intention was to give local people a greater say over the number and location of sexual entertainment venues within their area and by adopting the amendments to Schedule 3 would also enable the Council, in its capacity as Licensing Authority, to carry out more stringent checks on any future applicants and associated business partners in order to ensure that anyone associated with crime does not obtain a licence.
- 31.3 The Licensing Committee is required to recommend to Council whether or not to formally adopt the new powers to regulate lap dancing clubs and similar venues, should adoption be considered appropriate, having taken into account the responses of the public consultation.
- 31.4 At its meeting on 15 December 2011 the Committee had considered the draft policy and in particular the number of licenses considered appropriate for a particular area. The Committee was minded to recommend a nil number of premises as appropriate for Waverley, but requested that a definitive set of possible reasons be discussed by officers and returned to the next meeting of the Committee with a further report.
- 31.5 Officers reported that the Act did permit an Authority to decide that an appropriate number of licenses in a particular locality was nil, however previous case law appeared to indicate that a nil policy for the whole of Waverley might not be sufficiently robust. This would not preclude the

breaking down of Waverley into discrete localities and reaching the policy conclusion that the appropriate number for each and every such locality was nil. However, due to the varied nature of the communities within the Borough, officers felt that it would be a very difficult and time consuming process to dissect Waverley into such areas. As an alternative and more appropriate approach, Officers put forward to the Committee a list of criteria within which an establishment would be unsuitable, e.g. not within 200 meters of a school etc.

- 31.6 The Licensing Officer tabled the updated draft policy showing proposed amendments for the Committee to consider. Following discussion on the application fees and the consultation process the Committee agreed that the criteria had to be enforceable and endorsed the amendments with the following change to paragraph 8.4.1 – Consultations, “In addition consultation will, *where practicable*, be undertaken with local residents associations, parish councils, local ward members and in some cases neighbouring properties/residents.”, and that the Chairman and Vice-Chairman be given delegated authority to approve a level of fees that fully reflected the recovery of enforcement costs.

The Committee RESOLVED that

1. paragraph 8.4.1 of the draft policy be amended as per paragraph 31.6 above;
2. the date the regime to come into force is 1 May 2012; and
3. the Chairman and Vice-Chairman be given delegated authority to approve a level of fees that fully reflected the recovery of enforcement costs.

The Committee further RESOLVED to RECOMMEND to the Council that

3. **it adopts the Draft Policy for Sexual Entertainment Venues at Annexe 3.**

PARTS II AND III - MATTERS OF REPORT

Background Papers

The background papers relating to the following items in Parts II and III are as specified in the Agenda for the meeting of the Licensing and Regulatory Committee.

PART II – Matters reported in detail for the information of the Council

There were no matters falling within the category.

PART III – Brief summaries of other matters dealt with

32. MINUTES OF THE MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEES (Appendix C)

The Committee received the Minutes of the Meeting of the Licensing Act 2003 Sub-Committee A held on 19 December 2011.

RESOLVED that the Minutes of the Meeting of the Licensing Act 2003 Sub-Committee A on 19 December 2011 be noted.

The meeting commenced at 10.00 a.m. and concluded at 11.14 a.m.

Chairman