

**MINUTES OF THE LICENSING COMMITTEE
THURSDAY, 27 MAY 2010**

PRESENT: * INDICATES ATTENDEES

Councillors *Adamou, *Basu, *Brabazon, *Browne (Vice-Chair), *Demirci (Chair), *Ejiofor, * Reid, Erskine, Jenks, Strang and *Scott

Apologies

Also Present: Councillor Newton substituting for Councillor Jenks

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCO01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received on behalf Councillors Erskine, Jenks, and Strang.</p> <p>Councillor Newton was substituting for Councillor Jenks.</p> <p>NOTED</p>	
LSCO02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p> <p>NOTED</p>	
LSCO03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interests.</p> <p>NOTED</p>	
LSCO04.	<p>MINUTES</p> <p>RESOLVED</p> <p>That the Chair be authorised to sign the minutes of the Licensing Committees held on 21st May 2009, 3rd August 2009, 7th September 2009, 10th and reconvened on 25th September 2009, and 4th March 2010, and the minutes of the Licensing Sub-Committees held on 21st April 2009, 22nd June 2009, 7th July 2009, 30th July 2009, 17th September 2009, 12th January 2010, 25th January 2010 and reconvened on 11th February 2010, and 28th January 2010 as an accurate record of the proceedings.</p>	
LSCO05.	<p>ESTABLISHMENT OF LICENSING SUB-COMMITTEES</p> <p>The Chair advised the meeting that the report before it detailed the</p>	

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establishment of the three Licensing Sub-Committees to conduct the majority of licensing hearings, following the appointment of members of the Licensing Committee by the Full Council on 24 May 2010. The Committee was also asked to note the provisions for the appointment of substitutes for Sub-Committee hearings and the terms of reference of the Licensing Committee and its Sub-Committees.

The Chair also referred the Committee to consider the appointment of Members to the three Licensing Sub-Committees, as set out in Appendix 2 of the report, which was tabled at the meeting. The Chair also advised that there would be 2 Members of the Licensing Committee who would not be appointed to the 3 Sub-Committees and that these 2 members would act as substitute and 'float' members wherever possible.

RESOLVED

- i. that the terms of reference of the Licensing Committee in the Council's Constitution attached as Appendix 1 to the report be noted:
- ii. That approval be given to the establishment of three Licensing Sub-Committees with the membership set out in Appendix 2 to this report (tabled) and as shown below:

Licensing Sub-Committee A

Councillor Demirci (Chair)
Councillor Adamou
Councillor Reid

Licensing Sub-Committee B

Councillor Browne (Chair)
Councillor Brabazon
Councillor Jenks

Licensing Sub-Committee C

Councillor Ejiofor (Chair)
Councillor Basu
Councillor Scott

Floating Members not appointed to Licensing Sub Committees A-C

Councillor Erskine
Councillor Strang

- iii. That the terms of reference of the Licensing Sub-Committees in the Constitution attached as Appendix 3 to the report be

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	<p>confirmed;</p> <p>iv. That the provisions in the Committee Procedure Rules, Part 4, Section B of the Constitution and the delegations to the Head of Local Democracy and Member Services (Appendix E Section 9 paragraph 1.4 of the Constitution) for the appointment of a substitute Member of a Licensing Sub-Committee from among the Members of the Committee when the permanent Sub-Committee Member was unable to attend for any reason, be noted;</p> <p>v. That it be noted that the Council Procedure Rules in Part 4 B of the Constitution do not apply to hearings, which are governed by the Local Licensing Procedure Rules and the relevant Regulations; and</p> <p>vi. That it be noted that the other business of the Committee, except for hearings, was governed by the Council's Procedure Rules (Council Standing Orders) noting the substitution rule as detailed under Part 4 Section B of the Constitution.</p>	
<p>LSCO06.</p>	<p>CONSULTATION ON THE REVISION OF THE STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003</p> <p>The Chair asked for a brief introduction of the circulated report.</p> <p>The Licensing Officer – Ms Barrett advised the meeting that the LB Haringey, in its role as a Licensing Authority were required to publish a policy statement to guide it in its responsibilities and decision making of applications under the Licensing 2003 Act. The 2003 Act introduced a new regime under which the Licensing Act 2003 (the '2003 Act') which the responsibility for the licensing of the sale of alcohol , regulated entertainment and late night refreshment transferred from the Magistrates Court to the licensing authority , i.e. the local authority.</p> <p>Ms Barrett went on to advise that one of the key requirements under the 2003 Act was to prepare and publish a Statement of Licensing policy which set out the basis on which the authority will make its licence application decisions. This was first published on 7th January 2005 after widespread consultation. The legislation required that the Statement of Licensing Policy be reviewed at least every three years. The Licensing Authority was required under the Act to consult on their policy (and any subsequent revisions) and the requirements of this consultation were also detailed in statute.</p> <p>Ms Barrett outlined four licensing objectives contained within the Act which underpinned the functions that the Licensing Authorities will perform.</p> <p>These were:</p>	

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- prevention of crime and disorder;
- public safety;
- prevention of public nuisance
- protection of children from harm

Ms Barrett further commented that the Licensing Authority's Statement of Licensing Policy had to show how the licensing objectives would be achieved, and have regard to the S182 guidance published by the Department of Culture Media and Sports.

The Chair thanked Ms Barrett for her succinct introduction of the report and asked if there were any questions or points of clarification.

Councillor Brabazon sought clarification in regard to the process for consultation and input for individuals feeding in to this, and also the role of the Licensing Committee in this respect, as well as issues relating risk assessment particularly in relation to street cafes. Ms Barrett responded that the Committee was asked to note the changes and endorse the draft Haringey Statement of Licensing Policy 2011-2104 prior to consideration by the General Purposes Committee and giving its approval to the public consultation exercise, as changes to the Licensing Policy required endorsement by the General Purposes Committee as amendments to the actual act fell within that Committee's terms of reference, as well as consultation on the changes. The consultation period was for 12 weeks and that any member would be able to give their views in writing or by email.

Ms Barrett confirmed that the results of the consultation would be reported back to the General Purposes Committee in the autumn of 2010 – to the September meeting. In terms of risk assessment premises were visited by Licensing Officers to all licensed premises together with the regulatory authorities – Police, Fire, and health and safety and that with large events there would be an assessment of crowd sizes. In terms of licences for cafes with street tables and chairs if a licence had this permission within its conditions then such would be permitted but only on the basis of the specified numbers. Issues pertaining to actual numbers and subsequent possible disruption with street drinking etc as a result of increased numbers of people outside premises due the smoking ban were monitored by Licensing officers in conjunction with the environmental crime group.

There being no further points of clarification the Chair summarised and it was:

RESOLVED

That the proposed changes and revisions to the Statement of Licensing Policy under Section 5 of the Licensing Act 2003 be noted, and that the matter be referred to the General Purposes Committee to consider agreeing the process for the commencement of public consultation.

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LSCO07.	<p>ADOPTION OF POWERS TO REGULATE SEX ENTERTAINMENT VENUES</p> <p>The Chair asked for an introduction of the report.</p> <p>The Licensing Officer - Ms Barrett advised the Committee that there were now revisions to the existing 2003 Licensing Act whereby the matter of lap dancing was now falling into the Local Government (Miscellaneous Provisions Act) 1982 to allow the licensing of "Sexual Entertainment Venues". Under Section 27 of the schedule, there was a new category of sex establishment called a "sexual entertainment venue". Ms Barrett advised that a "sexual entertainment venue" was defined as "any premises, which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer."</p> <p>Ms Barrett also advised the Committee following considerable lobbying and comment that the amendment to the 1982 regulations now allowed the Council to regulate the operation of lap dancing etc as well as sex cinemas and sex shops. Currently Lap dancing did not require a premises licence under the Licensing Act 2003 and no special provisions were made in the 2003 Act for lap-dancing venues. If an application for performance of dancing was submitted to the Council and unopposed, then the authority must grant it subject to mandatory conditions. However if representations were made by an interested party or responsible authority then the authority may, following a Licensing hearing, impose other conditions or reject the application providing the rejection was in line with at least one of the four general licensing objectives under the Licensing Act 2003.</p> <p>The Chair thanked Ms Barrett for her introduction and the Committee then undertook a wide ranging discussion and raised concerns in respect of:</p> <ul style="list-style-type: none">• the regulating of existing and new licences and what exactly did the new legislation actually mean and would this make a difference to existing practices• the frequency that such events could be operated under the new legislation• the notice required for such events to the local authority and whether there would be advance notice given .• clarification as regards the 'slip rule' and how this would operate <p>In response to the points raised Ms Barrett commented that the Government had consulted with Local authorities, and other relevant parties, as to whether or not the Licensing Act 2003 provided adequate provisions to regulate such activities. Results of consultation showed that many respondents, including local authorities, thought it was not fit for purpose, as it did not allow the issues that really concerned residents faced with such an application to have a voice. As a result the amendment to the 1982 Act provided a more specified approach to Sexual Entertainment Venues and their control. The Licensing</p>	
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	<p>Authority was now able to apply prescribed conditions on grounds not covered by the Licensing Act 2003, e.g. dealing with the location of the premises and the character of the area, the hours of operation, the display of adverts, the visibility of the interior and the managerial control of premises. The local authority may further prescribe different standard conditions on a sexual entertainment venue compared to other sex establishments, such as a sex shop.</p> <p>In terms of the operation of lap dancing Ms Barrett advised that in terms of existing rules a premises did not have to currently apply as this was covered under an existing licence that permitted 'performance of dance'. The new legislation however, had a slip rule that allowed a premises to offer adult entertainment up to 11 times for the year without the need to be formally licensed under the new provisions to do so. The Council was awaiting further guidance as to whether there would be a need to give notice of such events.</p> <p>The Chair then summarised and it was unanimously</p> <p>RESOLVED</p> <p>That approval be given to refer the adoption of powers to regulate sex entertainment venues to the General Purposes Committee for that Committee to resolve and adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as inserted by Section 27 of the Policing and crime Act 2009, to allow the licensing of sexual entertainment venues.</p>	
LSCO08.	NEW ITEMS OF URGENT BUSINESS There were no items of urgent business.	
LSCO09.	DATES OF FUTURE MEETINGS 30 September 2010 7 February 2011 5 April 2011 The meeting ended at 19.35hrs.	

COUNCILLOR ALI DEMIRCI

Chair