

Meeting LC 10:11  
Date: 8 February 2011

## South Somerset District Council

**Draft Minutes** of a meeting of the **Licensing Committee** held at **the Council Offices, Brympton Way Yeovil** on **Tuesday 8 February 2011**

(10.00 am – 10.45 am)

### PRESENT:

#### Members:

Dave Bulmer	Nigel Mermagen (Chairman)
Tony Fife	David Recardo
John Hann	Keith Ronaldson
Roy Mills	Martin Wale
	William Wallace

#### Officers:

Anne Herridge	Committee Administrator
Nigel Marston	Licensing Manager

***NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.***

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### 18. Minutes (Agenda Item 1)

The minutes of the Licensing Committee held on 8 November 2010, copies of which had been circulated, were approved as a correct record and signed by the chairman of that meeting, Cllr Nigel Mermagen, and the minutes of the Licensing sub Committee meetings held on 8 October 2010 and 14 December 2010 were approved as a correct record and signed by the chairman of those meetings, Cllr Roy Mills.

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### 19. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Linda Vijeh and Lucy Wallace.

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### 20. Declarations of Interest (Agenda item 3)

There were no declarations of interest.

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### 21. Public Participation (Agenda item 4)

#### Questions/comments from members of the public

There were no members of the public present at the meeting.

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## 22. Items for Discussion (Agenda Item 5)

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## 23. Sexual Encounters Venues (Agenda Item 6)

The Licensing Manager explained that the Policing and Crime Act 2009 reclassified lap dancing and pole-dancing clubs as Sexual Encounter Venues giving local authorities in England and Wales the power to regulate them as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provision) Act 1982. Although there were currently no lap dancing or pole-dancing clubs in the South Somerset area, controls needed to be in place should they be required.

He referred members to the paragraph in the agenda regarding 'Relevant Entertainment' and the exclusions regarding the definition of sexual encounter venues. He explained that should Licensing Committee (LC) members recommend that Council adopt the new measures, there would be a 12-month transition period and applications could not be determined before a period of 6 months after the date the requirements were adopted. If several applications were made during that 6-month period they would be held together until the 6-month period was up and would then be determined at the same time. If Full Council agreed the recommendation the Licensing Manger would produce a full policy for members approval.

Should members choose not to adopt the new powers the Council would rely solely on the Licensing Act 2003 to control such premises, the consideration of applications would be restricted to the four Licensing Objectives. Although the controls available under the Licensing Act appeared to be wide ranging, in practice, powers to refuse such applications were quite restrictive.

There would be increased controls should the adoption of the new laws be approved such as refusal options including the suitability of the applicant. The fee charges varied considerably between authorities, but the level of charges set by SSDC allowed enough to cover the costs of an appeal going to court if necessary. Some authorities gave a refund if not contested.

The chairman commented that should an application be made in the area, there would more than likely be a fair amount of opposition in which case a large fee would need to be charged to cover any costs that may be incurred, however he was concerned about the differences in charges between authorities as shown in Appendix A.

In response to members questions the Licensing Manager replied that:

- The costs of legal fees would be high should a solicitor have to be used to defend SSDC in court;
- The licensing fees for a sexual encounter venue would be set and would not differ according to the size of the premises;
- Any application within the area would possibly cause a lot of interest/opposition therefore SSDC would have to be prepared.
- He was open to the suggestion of a set fee for the grant with the option to refund a portion of the fee if uncontested;
- He was not concerned about the high cost of the proposed Licensing fee as the types of clubs in discussion took a great deal of money through entrance fees etc;
- He did not know how much other authorities charged when there were a number of clubs in one area but he would find out and advise the chairman. He had only used examples of licensing fees for neighbouring authorities in the South West.

Subsequent to the meeting he has discovered that Leicester City Council, who have 5 such premises. Charge £9,000 for an initial application and £3,000 for a renewal

After further discussion it was then proposed and seconded to accept the recommendation as shown in the agenda but with an amendment to recommendation 2) **'To set a Licensing fee for a Sexual Encounter Venue, ie Grant £6,000 (plus refundable uncontested hearing fee of £4,000) = Total of £10,000; Renewal £2,864 and Transfer £2,864'**.

## RESOLVED:

That Committee RECOMMEND to Council:

- (1) that a resolution be passed to adopt section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009.
- (2) to set a Licensing fee for a Sexual Encounter Venue, i.e.
  - Grant £6,000 (plus refundable uncontested hearing fee of £4,000) = Total of £10,000
  - Renewal £2,864
  - Transfer £2,864
- (3) to delegate to the Licensing Manager all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009, subject to the Council Scheme of Delegation.

*(Voting: Unanimous)*

Lead Officer: Nigel J Marston, Licensing Manager  
 Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

## 24. Gambling Act 2005 – Fees (Agenda Item 7)

The Licensing Manager explained that when fees were set under the Gambling Act 2005, two chargeable fees had been omitted; they were for a copy of a premises licence and a change of circumstances. It was now proposed that those fees were included as per the recommendation in the agenda report.

It was proposed, seconded and unanimously accepted to approve the recommendation:

## RESOLVED:

1. That the Licensing Committee approve the provision of a fee under the Gambling Act 2005 for a 'copy of a premises licence' and for a 'change of circumstances'.
2. That the Licensing Committee approve the proposed fees of £22.00 for a copy of a premises licence and £43.00 for a change of circumstances.

*(Voting: Unanimous)*

Lead Officer: Anita Legg, Licensing Officer  
 Contact Details: anita.legg@southsomerset.gov.uk or (01935) 462137

## 25. Licensing Enforcement Update (Agenda Item 8)

The Licensing Manager informed members that the Licensing Service had recently had a successful prosecution against an unlicensed trader, which was now going to appeal; he would update members as soon as he had any further information.

He was also investigating reports of unlicensed charity bag collections in the Crewkerne area and some parts of Yeovil; he would ensure that a press release was published to warn members of the public.

He commented that this was a fairly quiet period for the service although there were still a few licence renewals to chase up.

One member relayed his thanks to the Licensing service for the useful information that had been published regarding holding street parties for the royal wedding.

*Lead Officer:* Nigel J Marston, Licensing Manager  
*Contact Details:* nigel.marston@southsomerset.gov.uk or (01935) 462150

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## 26. Licensing Committee Forward Plan (Agenda Item 9)

It was agreed that a report regarding the use of polycarbonate glasses in licensed premises would be on a future Licensing agenda.

**RESOLVED:** that members commented upon and noted the proposed Licensing Committee Forward Plan as attached at Appendix A.

*Head of Service:* Nigel Marston, Licensing Manager  
*Lead Officer:* Anne Herridge, Committee Administrator  
*Contact Details:* anne.herridge@southsomerset.gov.uk or (01935) 462570

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## 27. Next Meeting (Agenda Item 10)

Members noted that the next scheduled meeting of the Licensing Committee would take place on Tuesday 12 April 2011 at 10.00 am at the Council Offices, Brympton Way Yeovil.

*Anne Herridge Committee Administrator, Legal and Democratic Services SSDC*  
*anne.herridge@southsomerset.gov.uk or (01935) 462570*

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 Chairman