

Cherwell District Council

Licensing Committee

Minutes of a meeting of the Licensing Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 4 March 2011 at 10.00 am

Present: Councillor Tony Ilott (Vice-Chairman, in the Chair)

Councillor Timothy Hallchurch MBE
Councillor P A O'Sullivan
Councillor G A Reynolds
Councillor Lawrie Stratford
Councillor Rose Stratford
Councillor Douglas Webb

Apologies for absence: Councillor Kieron Mallon
Councillor Fred Blackwell
Councillor Nick Cotter
Councillor Michael Gibbard
Councillor George Parish

Officers: Natasha Barnes, Licensing & Vehicle Parks Manager
Paul Manning, Solicitor
Natasha Clark, Senior Democratic and Scrutiny Officer

15 Declarations of Interest

There were no declarations of interest.

16 Petitions and Requests to Address the Meeting

There were no petitions or requests to address the meeting.

17 Urgent Business

There was no urgent business.

18 Minutes

The Minutes of the meeting held on 9 December 2010 were agreed as a correct record and signed by the Chairman.

19 **Minutes of meeting Tuesday 14 December 2010 of Licensing Sub Committee**

The Minutes of the meeting of the Licensing Sub-Committee on 14 December 2010 at 11am were noted.

20 **Minutes of meeting Tuesday 14 December 2010 of Licensing Sub Committee**

The Minutes of the meeting of the Licensing Sub-Committee held on 14 December 2010 at 2pm were noted.

21 **Minutes of meeting Tuesday 15 February 2011 of Licensing Sub Committee**

The Minutes of the meeting of the Licensing Sub-Committee held on 15 February 2011 were noted.

22 **Control of Sexual Entertainment Venues**

The Committee considered a report of the Head of Safer Communities, Urban and Rural Services which outlined the changes made in Section 27 of the Policing and Crime Act 2009 amending Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982 which enable local authorities to be able to determine applications for sexual entertainment venues.

The Licensing and Vehicle Parks Manager advised the Committee that prior to 1982 there was no control over the operation of sex establishments. Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA) 1982 enabled local authorities the power to licence sex establishments, defined in this particular Act as sex shops and sex cinemas. The Council adopted these provisions on 2 June 1983.

The Committee was advised that the Policing and Crime Act 2009 was introduced on 6 April 2010. This Act introduced changes to Schedule 3 of the Local Government (Miscellaneous Provisions) Act. Local authorities had until 6 April 2011 to formally adopt the changes in the legislation. Failure to do so would mean that the Council would subsequently be required to consult local businesses and residents "as soon as is reasonably practicable" on whether or not to adopt the amended provisions.

The Licensing and Vehicle Parks Manager explained that Cherwell District Council currently had two premises that would require licensing under the new provisions. Both operators had been notified that they would be required to apply for new licenses to continue operating and provided with guidance on the process. The Committee was advised that should the amendments be adopted no new applications would be granted until such time that the council had a full policy in place to deal with such matters. In the interim, it was recommended that the Committee approve standard conditions to be attached to licences issued to the existing traders.

The Committee was advised that there was currently no fees set for applications in relation to sexual entertainment venues as this type of application had not previously existed. The Policing and Crime Act 2009 permitted local authorities to charge a reasonable and proportionate fee. The matter of fees would be taken into consideration when formulating the new policy and reviewed as part of the consultation in line with neighbouring authorities.

The Committee considered the implications of not adopting the legislative amendments and noted that if the sexual venue establishments were not regulated, they could continue to operate anyway but without any controls. By adopting the amendments and regulating the venues, all applications would be consulted upon and should a license be granted, Cherwell District Council would be able to apply controls and monitor compliance with these controls in the same manner as with all other licences granted by the authority.

Members discussed the timeframe for the implementation of the policy and agreed that it should be in place within 12 months. Members requested that the Licensing Officers provide updates to Committee members on the progress of developing the policy.

Resolved

- (1) That it be agreed that, in accordance with Section 2 (1) of the Local Government (Miscellaneous Provisions) Act, 1982, the Council resolves that Schedule 3 of that Act as amended by Section 27 of the Policing and Crime Act, 2009, shall apply to the District of Cherwell with effect from 4 March 2011.
- (2) That it be agreed that the proposed conditions governing the operation of Sexual Entertainment Venues as set out in the annex to these minutes (as set out in the minute book) be approved and attached to all licences issued by the Council.
- (3) That the Head of Safer Communities, Urban and Rural Services be delegated, in consultation with the Chairman of the Licensing Committee, to make any minor alterations to the setting of fees in relation to the processing of applications for sexual entertainment venues.

The meeting ended at 10.40 am

Chairman:

Date: