

MINUTE NUMBERS 578

Minutes of Licensing Committee

Meeting Date: Tuesday, 17 November 2009, starting at 6.30pm
Present: Councillor J Alcock (Chairman)

Councillors:

P Ainsworth	C Punchard
S Brunskill	C Ross
R Croasdale	M Sutcliffe
G Geldard	J Waddington
J Holgate	N C Walsh
S Hore	

In attendance: Legal Services Manager.

570 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors R Hargreaves and M Thomas.

571 MINUTES

The minutes of the meeting held on 1 September 2009 were approved as a correct record and signed by the Chairman.

572 MATTERS ARISING

Minute 351 – Matters arising from recent applications. The Legal Services Manager informed Committee that she had contacted Pendle Borough Council in relation to how they licence premises in relation to the Colne Blues Festival and had been informed that the event was not separately licensed, but took place at each premise as part of their ordinary Licensing Act 2005 licence.

573 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

574 PUBLIC PARTICIPATION

There was no public participation.

575 REGULATION OF LAP-DANCING CLUBS

The Legal Services Manager submitted a report informing Committee of the proposed transitional arrangements for the provisions in the Policing and Crime Bill relating to the regulation of lap-dancing clubs and similar venues.

She reminded Committee that the Licensing Act 2003 had controlled the use in premises of regulated entertainment. The definition of regulated entertainment

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was wide and included such activities as live dancing and facilities for dancing. The Act did not recognise as a separate form of entertainment, the provision of entertainment such as lap dancing in licensed premises.

The purpose of the Act was to reclassify lap-dancing establishments. This consultation sought views on proposals relating to the transitional arrangement only ie not the principle of separate regulation of lap-dancing clubs. In Summer 2008 the Department of Culture, Media and Sport had held a consultation with Local Authorities regarding the regulation of lap-dancing clubs. A majority of respondents felt additional powers specific to lap-dancing clubs was necessary. As part of the Policing and Crime Bill introduced in Parliament on 19 December 2008 the Government had included provisions to classify lap-dancing clubs and similar establishments as sex establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

The Government was now seeking the views of Local Authorities on the transitional arrangements, on or before the 14 December 2009.

Details were given of the scope of the new provisions and Committee were reminded that one of the powers contained in the legislation allowed local people to oppose an application for a sex establishment licence if they had legitimate concerns that a lap-dancing club would be inappropriate for the character of the area. Licences would be reviewed annually and the Local Authority would be allowed to reject any application if they believed that the application was inappropriate. The Local Authority would also be allowed to set a limit on the number of sex encounter venues. The provisions allowed a Local Authority to impose a wider range of conditions on the licensing of lap-dancing clubs than they were currently able to do under the 2003 Act.

Members recognised that there were currently no such establishments operating in the Ribble Valley.

RESOLVED: That Committee

1. note the introduction of the new provisions;
2. note the transitional arrangements; and
3. do not wish to respond to this consultation in the light of the absence of such premises currently within the Ribble Valley.

576 REVISION OF GAMBLING ACT STATEMENT OF PRINCIPLES

Committee considered the report of the Legal Services Manager informing them of the requirement to review the Council's Licensing Statement of Principles on Gambling as required by the Gambling Act 2005 and seeking Committee's views about the amendment of the statement.

She reminded Committee that the Council had considered its current statement of principles in June 2006 and this had subsequently been approved by both

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Policy and Finance Committee and full Council. The Gambling Act 2005 gave the Council responsibility for licensing a variety of types of premises eg betting shops and betting arcades. She recognised that there were very few such premises in the Council's area which held such licences, however many premises licensed under the Licensing Act 2003 also hold permits under the Act for gaming machines.

The Act required Councils to have a Gambling Statement of Principles and to publish that statement every 3 years and review it from time to time.

There had been no representations about the Council's statement since its inception. Members then discussed the issue of "Race Nights" and how these would be licensed. The Legal Services Manager promised to speak to the Licensing Officer and bring a report back to the next Committee.

RESOLVED: That Committee

1. consider the statement attached at Appendix 1;
2. approve its use as the basis of consultation;
3. request a further report from the Legal Services Manager on the question of Race Night licensing.

577 DRINK BANNING ORDERS

Committee were informed about the purpose of and criteria for imposing Drink Banning Orders pursuant to the Violent Crime Reduction Act 2006. Drink Banning Orders were modelled on Anti-Social Behaviour Orders insofar as they were Civil Orders currently made on the application of the Police or a Local Authority to the local Magistrates' Court. The legislation made provision for the DBO's to be made on conviction for an alcohol related offence but the provisions were not yet in force. Committee also discussed the scope, effects, duration and penalty for failure to comply in relation to a Drink Banning Order.

Committee were informed that the provisions came into force on the 31 August 2009 and to date the Council had not been asked to consider applying for such an Order by the Police, nor had any individual been identified as an appropriate subject of the Drink Banning Order.

RESOLVED: That the report be noted.

578 THE GOVERNMENT'S RED/YELLOW CARD INITIATIVE FOR PREMISES SUBJECT TO REVIEW

The Legal Services Manager informed Committee of guidance received from the Department for Culture, Media and Sport relating to a review of premises licences. In September 2008 the DCMS wrote to Local Authorities reminding them of the power to review a premises licence contained within the Licensing Act 2003 and encouraging the use of a yellow and red card approach as an

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alternative to revoking the premises licence. The yellow card involved tough new conditions for licensed premises where there were problems being experienced eg sales of alcohol to children together with a warning of a further review and matters had not improved, the premises licence would be revoked.

It was important that any yellow cards should be highly visible in the community and send a clear message to alcohol retailers and the public that action would be taken against those who act contrary to the licensing objectives and the law.

The effect of receiving a yellow card was to put the premises licence holder and those affected on notice that the next offence would mean an automatic second intervention, namely a red card.

To date the Council had dealt with three applications by the Police for a review of premises licence. In all cases the matter had been dealt with by the imposition of additional conditions rather than the removal of the premises licence.

RESOLVED: That the report be noted.

The meeting closed at 6.55pm.

If you have any queries on these minutes please contact Diane Rice (414418).

(171109)