

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a joint meeting of the Environmental Health Portfolio Holder
and Licensing Committee held on
Thursday, 10 August 2006

PRESENT: Councillor RE Barrett – Chairman
Councillor R Hall – Vice-Chairman

Councillors: Mrs PM Bear Mrs SA Hatton
Mrs HF Kember RB Martlew
RM Matthews DC McCraith
A Riley Mrs HM Smith
Mrs DSK Spink MBE

Councillor RMA Manning, Environmental Health Portfolio Holder was also in attendance.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs SM Ellington,
Mrs A Elsby and Mrs CAED Murfitt.

2. MINUTES OF LAST MEETING

The minutes of the meeting held on 26 June 2006 were agreed as a correct record. It was also noted that

- Councillor Mrs HM Smith had also attended the Licensing Act 2003 training session held on 28 July in Bury St Edmunds, and
- Training for members in respect of the Gambling Act 2005 would be held on Friday, 17 November 2006.

3. DECLARATIONS OF INTEREST

The Chairman declared an interest in item 4 on the agenda as one of the local Members for Balsham.

4. BALSHAM - DESIGNATION OF CONSENT STREETS

Prior to commencement of discussion on this item, the Licensing Officer informed the Committee of a typographical error in paragraph 5 of the report. The first sentence should read, village of *Balsham*.

A number of issues arose during consideration of this item; these were:

- (a) Who levies the charges for licences
- (b) Why were late night licences required
- (c) The regulations related to trading adjacent to a highway

In response, the Licensing Officer confirmed:

- (a) The Portfolio Holder on an annual basis
- (b) Traders serving hot foot after 11pm now required a licence under the Licensing Act 2003. A number of vans trading in consent street villages had two licences

- (c) A licence would not be required if a trader was operating over 5m from a highway

The Licensing Committee, having noted that no objections had been received from the publication of the Notice of Intention to designate all streets in Balsham,

RESOLVED to designate all the streets in Balsham as Consent Streets under the terms of the Local Government (Miscellaneous Provisions) Act 1982 and proceed to advertise the Resolution.

5. SEX ESTABLISHMENT ADOPTION

The Environmental Health department had recently received a number of enquiries regarding the setting of up sex establishments within the area and as result of investigation by officers, it became apparent that adoption by this Council of the relevant schedule of the Local Government (Miscellaneous Provisions) Act 1982 may not have previously taken place.

Following adoption of the appropriate schedule, the Council would be empowered to set any conditions upon licences as deemed appropriate. A proposed set of standard conditions were appended to the report for Members to consider and the following issues were raised:

- (a) Opening times should be more consistent
- (b) Why are people under the age of 21 required to show proof of age
- (c) What is the charge for licensed premises under the Licensing Act 2003
- (d) An open mind should be kept regarding the number of establishments in the district
- (e) It was felt that some of the films available would not be passed by the British Board of Film Classification (BBFC)
- (f) Planning permission may be required for the premises, however consent would not automatically result in an approval for use as a sex establishment
- (g) How many complaints would be received before an investigation was made
- (h) Was there an annual review of the licences
- (i) Would local people be notified of applications

The following responses were made:

- (a) The opening times to be discussed further
- (b) Requirement for a proof of age was in line with national criteria and the 'Think 21' campaign adopted by Police and Trading Standards
- (c) Fees were currently £80 to £700. The suggested fee of £3,500 for licences for sex establishments reflected the degree of public concern and officer time spent resolving those concerns. It was anticipated that the fee for these particular licences would attract only serious applications and was in line with the Council's immediate neighbouring authority, Cambridge City Council who charge £3,000
- (d) Due to the geographical nature of the district it would be difficult to state a particular number that would be allowed; each application must, however, be treated on its own merit. Members have the power to reconsider restricting the numbers if several applications are received in one particular area. Members attention was drawn to the first page containing the Standard Conditions for Sex Establishment Licence in which it states: *South Cambridgeshire District Council reserve the power to alter, modify or dispense with these conditions as*

- it sees fit at any time*
- (e) Any films shown and not passed by the BBFC would be illegal. There had been a recent relaxation in censorship and a new classification of film (R18) had been introduced
 - (f) If a planning condition restricted the opening hours, a sex establishment licence could not override those restrictions, however the applicant could appeal against that particular planning condition. The licensing authority cannot restrict the hours of opening for planning purposes. In the instance of planning permission given with no time restraints, applicants would have to comply with the licensing conditions
 - (g) That depended on the seriousness of the offence
 - (h) Licences would be renewed annually which gave the opportunity to review them, however they would be automatically re-licensed unless complaints had been received or legislation had changed
 - (i) A notice would be displayed outside the premises and an advert would be required in the local paper for initial applications; the procedure was similar to that of the Licensing Act 2003

Following discussion, it was proposed, seconded and **AGREED** that,

- (i) the opening hours for premises should be Monday to Saturday 9am to 7pm (paragraph 11 of the licence conditions relate),
- (ii) paragraph 12 of the licence conditions be amended to read: The premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Sundays, *Good Friday or Christmas Day*,
- (iii) no restriction be imposed on the number of establishments for the district, but reserved the right to re-consider if deemed necessary, and
- (iv) a 5 Member panel would conduct hearings in respect of applications that had received an objection/s.

The Licensing Officer undertook to provide training for Members involved in the hearing procedure.

Members also noted that objectors to applications must have their anonymity preserved, however, their representations should be taken into consideration when applications were considered; this would be taken into account when setting up the hearing procedure.

In conclusion, the Licensing Committee

RECOMMENDS to the Environmental Health Portfolio Holder, Cabinet and Council,

- (a) the adoption of Part 2, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of the licensing of Sex Establishments,
- (b) that subject to the amendments at (i) and (ii) above, the standard conditions of licensing as stated in Appendix A to the covering report be approved, and
- (c) the agreement of the policy for the setting of the fee for the application, renewal or transfer of a licence for a sex establishment is set at £3500,
- (d) that the applications for sex establishment licences are put before a 5-Member Sub-Committee to be named 'Licensing Sub-Committee (Sex Establishments)', and
- (e) no restrictions on the numbers considered relevant for the district at this time

DECISION BY THE ENVIRONMENTAL HEALTH PORTFOLIO HOLDER

The Portfolio Holder, in addressing the Licensing Committee agreed with the changes to the hours of opening and not specifying the number of establishments to be allowed in the district. He did, however express concern if other religious groups wanted their holy days recognised. The Portfolio Holder also voiced his concern regarding the level of fees, feeling that establishments might be set up without prior approval; he did however, understand the reasoning behind the setting of the fee and therefore,

RECOMMENDS to Cabinet and Council the recommendation of the Licensing Committee as detailed above.

The Meeting ended at 11.15 a.m.
