

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE
HELD ON MONDAY, 7 NOVEMBER 2011**

COUNCILLORS

PRESENT Derek Levy (Chairman), Alan Barker, Yusuf Cicek, Andreas Constantinides, Dogan Delman, Elaine Hayward, Anne-Marie Pearce, Toby Simon and Glynis Vince

ABSENT Chris Bond, Christopher Deacon, Michael Rye OBE, George Savva MBE, Christine Hamilton and Henry Lamprecht

OFFICERS: Mark Galvayne (Principal Licensing Officer), Bob Griffiths (Assistant Director - Planning and Environmental Protection), Ellie Green (Principal Trading Standards Officer), Aled Richards (Head of Development Management) Catriona McFarlane (Legal Representative), Sandra Bertschin (Secretary)

Also Attending: Dr Elliot Finer (independent member of the Standards Committee)

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WELCOME & APOLOGIES FOR ABSENCE

The Chairman welcomed Dr Finer (independent member of the Standards Committee) to the meeting.

Apologies for absence were received from Councillors Bond, Deacon, Rye, Savva, Hamilton and Lamprecht.

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DECLARATION OF INTERESTS

There were no declarations of interest.

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DEVELOPMENTS WITHIN THE LICENSING REGIME

NOTED

Response to DCMS Regulated Entertainment Consultation

1. Mark Galvayne, Principal Licensing Officer, advised that:
 - a. the proposals would allow any promoter to provide any type of regulated entertainment at any time in any place to any audience (other than

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- boxing/wrestling, sexual entertainment or events for 5,000+ people) without ever requiring a licence;
- b. of the approx 900 premises licences the Council currently grant, less than 50 of them were in respect of regulated entertainment only. Thus in most cases conditions were included on licences in respect of controlling public nuisance arising from regulated entertainment;
 - c. the proposals would be to the detriment of local communities, local authorities and the Police and would cause a measurable reduction in the quality of life of local communities.
2. The Chairman remarked that the proposals were counter to recent changes in respect of alcohol licensing to give more power to local communities, local authorities and the Police, and did not support local Licensing Sub Committees. Therefore the draft response to the consultation was assertive in dismissal of the proposals. The Cabinet Member for Environment had suggested that the Licensing Committee Chairman send a letter to 'The Times' outlining concerns regarding the proposals.
3. The Committee made the following comments with regard to the draft response:
- a. the response to Q6 to be amended to "... provision of currently regulated entertainment";
 - b. the response to Q36 (indoor sports) to be amended to delete reference to 'raves';
 - c. responses to Q23 and Q26 needed to be more specific to illustrate particular risks the local authority had been able to manage through existing control mechanisms;
 - d. the importance of regulations for the benefit of all should be highlighted by the inclusion of data relating to problems which have arisen from unregulated entertainment, such as raves and the festivities which used to take place at Trent Park;
 - e. assumptions by the DCMS that noise was the only type of public nuisance that occurs and that no crime and disorder occurs at entertainment events were incorrect;
 - f. the overall principal of the response was supported but it was proposed that it be more evidential based with reference to incidents to illustrate why the local authority considered that control mechanisms were needed.

AGREED that the draft response be amended as above and recirculated to the Committee

Police Reform and Social Responsibility Act 2011

4. Mark Galvayne, Principal Licensing Officer, outlined the amendments and advised that it was anticipated that these would take effect between April and October 2012.

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5. In response to remarks from the Committee regarding the local health body being able to make representations, it was advised that any such representations had to be founded on support of the licensing objectives, rather than general health concerns.
6. Councillor Simon remarked that the impact of the impending Localism Bill with regard to pre-determination should be considered.

Licensing Policy Statement

7. Mark Galvayne, Principal Licensing Officer, advised that:
 - a. over 1,000 letters of consultation had been sent;
 - b. the consultation document had been available on the website since October 2011 and would close on 3 January 2012;
 - c. paper copies of the consultation document were available from the Civic Centre and Libraries;
 - d. the non-adoption of Section 27 of the Police & Crime Act 2009 would maintain the status quo, i.e.,
 - enable the Council to continue to control 'live displays or performances involving nudity' under the Licensing Act 2003;
 - will prevent every premises within the borough being granted a statutory right on 11 sexual entertainment events each year;
 - would not fetter the ability to adopt Section 27 in the future.
 - e. section 18 of the statement provided additional grounds for refusal of licence applications during the period of the Olympic and Paralympic Games.
8. Councillor Vince suggested that a presentation on the consultation document be given at Area Forums.

The Chairman thanked Members and officers for their contributions and invited Dr Finer (independent member of the Standards Committee) to attend forthcoming Licensing Sub-Committee meetings.