

GENERAL LICENSING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY, 17 OCTOBER 2019

Present:

Councillor Richard Welton (Chair)

Councillor Patricia Bone
Councillor Pat Kerry
Councillor Stephen Pickering
Councillor Michael Roe

Councillor Michelle Emmens
Councillor Heather Liggett
Councillor Tracy Reader
Councillor Pam Windley

Also Present:

V Dawson	Solicitor - Team Manager (Contentious)
K Rowland	Licensing Team Leader
D Cartwright	Solicitor
D Stanton	Governance Officer

303 Apologies for Absence

Apologies for absence were received from Councillors P Antcliff and C Huckerby.

304 Declarations of Interest

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No interests were declared at this meeting.

305 Minutes of Last Meeting

RESOLVED – That the Minutes of the last meeting of the General Licensing Committee held on 20 June 2019 be approved as a correct record and signed by the Chair.

306 Part II of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 within the District of North East Derbyshire

The Committee considered Report No LTL/09/19-20/DC/KR of the Environmental Health Manager which set out the required stages of the legal process to adopt Schedule 3 of the Part II of The Local Government (Miscellaneous Provisions) Act 1982 as Amended By Section 27 of The Policing And Crime Act 2009, in order that the Licensing Authority was able to regulate sex establishments in the North East Derbyshire Region. The Committee heard that if Members were to approve recommendations as outlined within the report, then the matter would be referred to Full Council.

The Officer stated that whilst there was no known sex establishments within the District, the Authority would be in a weaker position by not having a policy, as it allowed the Council to regulate such establishments if any was to be proposed.

The Committee heard that failing to implement a policy could result in disturbances or anti-social behaviour, as the Council would be unable to regulate the location and numbers of such establishments and those powers would be left to the police. Members noted that the 2009 Act amended the 1982 Act and gave greater rights to local people to oppose an application for a sex establishment license.

RESOLVED – That Members of the Licensing Committee approve that:

- (1) Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, ‘Control of Sex Establishments’ shall apply to the district of North East Derbyshire.
- (2) This matter be referred to Full Council to pass a resolution under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 3 of the Act as amended by section 27 of the Policing and Crime Act to come into force at a later date.
- (3) The General Licensing Sub Committee be given responsibility to determine applications for sex establishments (including sexual entertainment venues, sex shops and sex cinemas) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) where representations have been received and not withdrawn.
- (4) A draft policy on sex establishments shall be prepared for consultation with the District to clarify the Council’s policy on:
 - i. “relevant locality” and “appropriate number”;
 - ii. conditions under which sex establishments must operate; and
 - iii. an appropriate fee for applications.
- (5) The draft policy shall be submitted to a future Licensing Committee for Members’ approval for a full 6 week consultation period.

307 Determining Fitness of Hackney Carriage & Private Hire Vehicle Drivers and Private Hire Operators

The Committee considered report No LTL/10/19-20/KR of the Environmental Health Manager. The report outlined a revised procedure for dealing with applications for hackney carriage and private hire driver licenses and private hire operator licenses when the application had historical offences.

Members commented that since the recent policy change there had been a number of applicants presented to the Sub-Committee who had relatively minor and historical offences, and welcomed the proposed revised procedure as a sensible change. The Officer stated that the revised procedure would reduce the amount of officer time spent on applications, and that those applicants with serious offences would still be brought to the Sub-Committee for Members’ consideration.

RESOLVED – That the minor change be approved subject to the Communities Scrutiny consideration.

308 Matters of Urgency

There were no items of urgency to be discussed at this meeting.