

Minutes of a meeting of the Licensing Committee  
held in the Council Chamber, The Grange,  
Nutholt Lane, Ely on Wednesday, 8<sup>th</sup> December 2010  
at 9.00am

**P R E S E N T**

Councillor Ron Bradney (Chairman)  
Councillor Allen Alderson  
Councillor Sue Austen  
Councillor Tony Cornell  
Councillor Lavinia Edwards  
Councillor Tony Goodge  
Councillor Bill Hunt  
Councillor Tony Parramint  
Councillor Jackie Petts  
Councillor Robert Stevens  
Councillor Andy Wright

**I N A T T E N D A N C E**

Amanda Apcar – Principal Solicitor  
Elizabeth Bailey – Principal Environmental Health Officer  
(Commercial)  
Liz Knox – Head of Environmental Services  
Janis Murfet – Democratic Services Officer

**A P O L O G I E S**

Councillor Michael Allan  
Councillor Hazel Williams, MBE

36. **DECLARATIONS OF INTEREST**

Councillor Hunt made a general declaration of personal interest, being a non-executive director of a garage in London which supplies vehicles to the taxi trade. He stated that he did not have any customers in East Cambridgeshire.

37. **MINUTES**

Further to Minute No 29 (Declarations of Interest), Councillor Hunt noted that his personal declaration of interest (regarding his non-executive directorship of a garage which supplies vehicles to the taxi trade) had not been recorded, and he requested that an amendment be made to reflect this. Whereupon,

It was resolved:

That, subject to the agreed amendment, the minutes of the meeting held on 18<sup>th</sup> October 2010 be confirmed as a correct record and signed by the Chairman.

38. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman did not make any announcements.

39. **ADOPTION OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 RELATING TO SEX ESTABLISHMENTS**

The Committee considered a report which advised Members on the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to regulate "sex establishments" in the East Cambridgeshire District.

The Licensing Officer (Enforcement) introduced her report by reminding Members that the licensing of sex establishments was governed by Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. The Government EU Directive regarding the provision of "on line" facilities for licensing applications required that all local authorities made available on Council websites on line application forms (formalities) for various licence applications, including a formality for sex establishments.

The requirements of the Directive had highlighted the fact that this Council currently had not adopted relevant legislation to deal with sex establishment licence applications. The Licensing Officer reiterated that this meant there was no power or means of controlling the operation of sex establishment premises within the District. To protect children and preserve the character of certain localities, it was essential that this situation be rectified as soon as possible. She then summarised the process to be followed to achieve adoption of the Act, saying that if it took place after Section 27 of the Policing and Crime Act 2009 came into force on 6<sup>th</sup> April 2010, the new provisions for sexual entertainment venues would be automatically incorporated.

The Licensing Officer reiterated that if Members were minded to adopt the Act, they should do so before 6<sup>th</sup> April 2011. Any adoption *after* this date would have to be preceded by full consultation by the Authority with local people.

It was noted that once the Act had been adopted the Council could control the location of establishments. Objections to an application on moral grounds would not be grounds for refusal of a sex establishment licence and such objections would be deemed irrelevant.

The Licensing Officer said that it was intended that a policy on sex establishments be drafted to give guidance to Members, and that it be the subject of wide consultation. Once consultation had been concluded, the document would be presented to the Licensing Committee for Member approval.

Members noted that justifiable costs covering administration and enforcement relating solely to these licences could be recovered, but fees could not be used as a means of discouraging applications. A suggested fee would be proposed during the consultation process and it would also reflect the level of fees set by neighbouring local authorities in Cambridgeshire and Suffolk.

Councillor Goodge asked whether the Licensing Committee would adopt the Act or would it be referred to full Council. The Chairman replied that it would be referred to Council for ratification.

Councillor Wright wished to know if “grandfather rights” would apply to someone who had set up a sex establishment business prior to adoption of the Act; the Licensing Officer informed him that this would not be the case. If the Act was adopted, the proprietor would be asked to apply for a Licence and the Council would be able to refuse the application if it was thought to be inappropriate.

Referring to paragraph 9.1 of the report, Councillor Alderson queried the cost of the public notices and Councillor Hunt asked whether it was possible to negotiate on the price. The Head of Environmental Services confirmed that the figure given in the report was the going rate.

Councillor Stevens raised the point that, on the one hand, an application could not be refused for moral grounds and yet on the other it could be refused if it was considered that an establishment would “conflict” with the character of the area or other premises nearby. The Licensing Officer replied that it would be a matter of public pressure; the Head of Environmental Services added that such details would be covered in the draft policy and could be discussed in detail.

It was resolved:

- (a) That Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, “Control of Sex Establishments” shall apply to the District of East Cambridgeshire.
- (b) That this matter be referred to Full Council on 22<sup>nd</sup> February 2011, to pass a resolution under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 3 of the Act, to come into force at the end of March 2011.

- (c) That the Licensing Committee or an appointed Licensing Sub-Committee be given responsibility to:
- consider applications to grant, renew or transfer “sex establishment” licences in the District; and
  - adopt a policy on the licensing of “sex establishments” in the District.
- (d) That the Head of Environmental Services be given authorisation to enforce Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- (e) That a draft policy on sex establishments shall be prepared for consultation within 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) recommend an appropriate fee for applications.

Councillor Parramint complimented the Licensing Officer on the presentation of her report and her background knowledge of the subject.

40. **STRETCH LIMOUSINE PROM SAFETY CAMPAIGN**

The Committee considered a report which advised Members of the current stretch limousine prom safety campaign to raise awareness regarding the hiring of stretch limousines for school proms and other social events.

The Licensing Officer summarised the main points of her report, reminding Members that using an unlicensed vehicle could place children at risk from drivers who had not been adequately vetted, and, in the event of an accident, the insurance might not cover injuries to passengers or other injured parties. She drew Members’ attention to paragraphs 3.4 and 3.5 which gave the definition of a stretched limousine and also the conditions to be satisfied prior to being issued with a Private Hire Vehicle Licence.

It was noted that the launch of the safety campaign had taken place on 4<sup>th</sup> October 2010 at Soham Village College and was attended by the Chairman of the Licensing Committee, Councillor Ron Bradney.

The Licensing Officer reported that at a recent meeting of the Cambridgeshire Licensing Group it had been proposed by the Chairman that local authorities should join together for enforcement at school events. The police would also be in attendance to speak to people, and VOSA would be present to check vehicles. Councillor

Wright acknowledged that the report highlighted the need to review the situation, but he thought it would cause bad publicity if officers went to prom nights and took vehicles off the road. He made the point that officers could inspect vehicles at any time and this was what they should be doing. Whereupon,

It was resolved:

That the report be noted.

41. **TAXI LICENSING SUB-COMMITTEE MINUTES**

The Committee received the record of the meeting of the Taxi Licensing Sub-Committee held on 18<sup>th</sup> October 2010.

It was resolved:

That the record of the meeting of the Taxi Licensing Sub-Committee held on 18<sup>th</sup> October 2010 be received and noted.

42. **FORWARD AGENDA PLAN**

The Committee reviewed the Licensing Committee forward agenda plan.

Councillor Hunt requested that an item reviewing the issue of stretch limousine licence conditions be added to the forward plan; the Head of Environmental Services confirmed that this would be done in due course.

It was resolved:

That the Licensing Committee forward agenda plan be noted.

43. **EXCLUSION OF THE PRESS AND PUBLIC**

It was resolved:

That the press and public be excluded during the consideration of the remaining Item No. 10 because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item there would be disclosure to them of exempt information of Categories 1 & 7 Part 1 Schedule 12A to the Local Government Act 1972 (as Amended).

44. **TAXI LICENSING SUB-COMMITTEE – EXEMPT MINUTES**

The Committee received the exempt record of the meeting of the Taxi Licensing Sub-Committee held on 18<sup>th</sup> October 2010.

Councillor Wright made a comment relating to Member impartiality, and raised an issue regarding a number of licensing records that were purportedly missing or incomplete. The Chairman said that the latter would be investigated and answers provided. Whereupon,

It was resolved;

That the exempt record of the meeting of the Taxi Licensing Sub-Committee held on 18<sup>th</sup> October 2010 be received and noted.

The meeting closed at 9.46am.