

**LICENSING COMMITTEE**  
**15<sup>TH</sup> JUNE, 2010**

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Tuesday 15<sup>th</sup> June, 2010.

**PRESENT: Councillor J.B. Attridge (Chairman)**

Councillors L.A. Aldridge, S.R. Baker, E.G Cooke, A.G. Diskin, B. Dunn, J.E. Falshaw, E.W Owen, m. Reece and L.A. Sharps.

**ALSO PRESENT:**

Councillors: V. Gay, H.D. Hutchinson and R.B. Jones

**APOLOGIES**

Councillor H.G. Roberts

**IN ATTENDANCE**

Community Protection Manager and Committee Officer

**1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**2. MINUTES**

The minutes of the meeting of the Committee held on 16<sup>th</sup> November, 2009 were submitted.

**RESOLVED**

That the minutes be approved as a correct record and signed by the Chairman.

**3. LICENSING ACT 2003 – ROLE OF ELECTED MEMBERS AS ‘INTERESTED PARTIES’**

The Committee considered the report of the Director of Environment, the purpose of which was to request that Members consider their role as Interested Parties under the Licensing Act 2003 and determine how they would be informed of applications received and to what extent Town and Community Councils should be involved in the process.

The report was presented by the Community Protection Manager who reported that the Licensing Act 2003 defined various groups that had important roles in the context of applications, inspections, enforcement and reviews of premises licences. The law changed at the end of January, 2010 to include as interested parties ‘a member of the relevant licensing authority, i.e. Elected Councillors of the licensing authority for the area in which a premises is situated’. There remained no statutory provision for Town &

Community Councils to engage with the process other than acting as a body that may represent persons living in the vicinity of the premises in question.

The Community Protection Manager explained that one of the significant effects of the change in the law was that local councillors could, as Elected Members of the licensing authority, make representations in their own right if they had concerns about any premises, regardless of whether they lived or ran a business in the vicinity of those premises. He highlighted the suggested options available for Members to find out about applications that had been received, as outlined within the report and asked the Committee to consider and determine how Members should receive notification of applications.

Councillor S.R. Baker welcomed the content and recommendations of the report and suggested that Clerk's of Town and Community Councils also receive an e-mail notifying them of applications in their areas. The Community Protection Manager explained that not all Clerks of Town and Community Council could be contacted via e-mail. The Chairman suggested that Clerk's who did not have access to an e-mail address should be contacted by telephone.

Councillor B. Dunn outlined his concern regarding Members not being notified of licensing application but welcomed the report which he felt would address this issue.

#### **RESOLVED**

- (a) That Elected Members be notified by e-mail or telephone of applications where the premises in question is located in the ward or area that they represent.
- (b) That Clerks of Town and Community Councils be notified by e-mail or telephone of applications where the premise in question is located in their area.

#### **4. LICENSING ACT 2003 – STATEMENT OF LICENSNG POLICY 2011 - 2013**

The Committee considered the report of the Director of Environment, the purpose of which was to inform Members of the preparations for the next Licensing Policy.

The Community Protection Manager reported that the Licensing Authority proposed to consult primarily via Flintshire's website. The existing policy was already on the site and details of the proposals revisions would be added. An explanatory leaflet would be produced which would be distributed to libraries and other County Council public buildings.

## **RESOLVED**

That Members noted the proposals outlined in respect of the next 3 year Statement of Licensing Policy (2011 – 2013) and approved the proposed methods of consultation.

### **5. ADOPTION OF CONTROLS OVER SEXUAL ENTERTAINMENT VENUES**

The Committee considered the report of the Director of Environment, the purpose of which was to request that Members approve the adoption of new powers to regulate sexual entertainment venues, confirm that the number of sex establishments or sexual entertainment venues in the relevant locality be nil, confirm the fees that would be payable for licences, approve proposed standard conditions and approve policy guidelines relating to applications.

The Community Protection Manager reported that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 permitted local authorities to determine the number of sex establishments, or sexual establishments of a particular kind, that it considered appropriate in the relevant locality. It was proposed that nil be the appropriate number but if an application was received this would need to be considered by the Licensing Sub-Committee in order for there to be an open and transparent process.

Councillor L.A. Aldridge understood that applicants wanting to establish a sexual entertainment venue could obtain a licence via Flintshire County Council. He asked if an applicant was refused a licence could he/she challenge the local authority through a European Court of Law and if so how would this affect the local authority following adoption of the new controls over sexual entertainment venues.

The Chairman suggested that the Community Protection Manager respond directly to Councillor Aldridge following the meeting.

## **RESOLVED**

- (a) That the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply in the area of Flintshire County Council and shall come into force on 13<sup>th</sup> August, 2010.
- (b) That the number of sex establishments in the relevant locality be nil.
- (c) That the following fees be applicable to sex establishment (including sexual entertainment venue) licences:-
  - Application for the grant of a sex establishment licence - £800
  - Application to vary a sex establishment licence - £800
  - Application to transfer a sex establishment licence - £200

- (d) That the standard conditions prescribed by regulations made by Flintshire County Council under paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to sex establishment (including sexual entertainment venue) licences, as shown in Appendix 1 of the report.
- (e) That the Policy Guidelines relating to any applications made as shown in Appendix 2 of the report be approved.

**6. DURATION OF MEETING**

The meeting commenced at 11.00 a.m. and ended at 11.30 a.m.

**7. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There was one member of the press present.

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**Chairman**

**SUMMARY OF DECLARATIONS MADE BY MEMBERS**  
**IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S**  
**CODE OF CONDUCT**

<b>LICENSING COMMITTEE</b>	<b>DATE: 15 JUNE, 2010</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
NO DECLARATIONS WERE MADE		