

Minutes of the **Licensing Committee**
of the **Test Valley Borough Council**
held in the Upper Guildhall, High Street, Andover
on Thursday 16 June 2016 at 5.30 pm

Attendance:

Councillor J Budzynski (Chairman)	(P)	Councillor A Johnston (Vice-Chairman)	(P)
Councillor N Anderdon	(P)	Councillor P Hurst	(A)
Councillor A Beesley	(P)	Councillor P Lashbrook	(-)
Councillor A Brook	(P)	Councillor P Mutton	(P)
Councillor Z Brooks	(P)	Councillor J Ray	(-)
Councillor J Cockaday	(P)	Councillor I Richards	(A)
Councillor D Denny	(P)	Councillor A Tupper	(A)
Councillor D Drew	(P)		

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Minutes

Resolved:

That the minutes of the meeting held on 14 January 2016 be confirmed and signed as a correct record.

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Minutes of the Licensing Sub-Committee

Resolved:

That the minutes of the Licensing Sub-Committee held on 31 March 2016 be received.

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Sex Establishment Licensing Policy and Procedures

The Committee considered a report to revise the Council's policy and procedures with regards to the determination of applications so that uncontested applications did not need to be determined by the Licensing Committee.

The Council adopted, with effect from 1st June 1989, Schedule 2 of the Local Government (Miscellaneous Provisions) Act 1982, which meant that it was able to license premises to be used as a Sex Shop or Sex Cinema. This provision was readopted on 1st April 2011 when the Council adopted an amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 extending the existing legislation used to license a Sex Shop or Sex Cinema to also include Sexual Entertainment Venues. There is currently no delegated power for sex establishment licence applications to be determined by officers so all applications must come before this Committee for determination.

The Licensing Manager explained that there were no direct legal implications as a result of the proposed recommendations. He also advised that the authority must take care when setting the licence fee as, if non-contentious applications were determined by officers, there would be a saving in that it would not be necessary to convene a meeting of this Committee. Thus those matters related to the determination of an application by the Committee should be identified separately, and only be charged if the matter went before a Committee. Case law had made it clear that any licence fee must be set only at a level which was sufficient to cover the authority's costs and the Council must not make a profit from such fees.

The policy and procedures for determining sex establishment licences have been in place for some time. A revision to allow non-contentious applications to be delegated to officers would save time and resources bringing the Council into line with other authorities.

Recommended to Council:

1. **That the delegations to the Head of Legal and Democratic are amended as set out in italics in Annex 2 to the report so that applications for the grant/transfer/renewal of a sex establishment licence are determined by the Head of Legal and Democratic in cases where no objections have been received.**

Recommended to Cabinet:

2. **That the fee for the grant/transfer/renewal of a sex establishment licence shall be as follows:**
 - (a) **£478 payable upon application; and**
 - (b) **In the event that an objection/objections are received such that the application is required to be considered by the Licensing Committee, then a further £785 payable upon demand from the Council.**

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Private Hire Vehicle Licensing Conditions

The Licensing Manager introduced the report and directed Members to Annex 2 of the report.

The Council licensed private hire vehicles, their operators and drivers in accordance with the Local Government (Miscellaneous Provisions) Act 1976. A potential operator wished to license with the Council, but their proposed vehicle signage did not comply with the Council's current licence conditions.

As the operator was providing a specific service it was considered appropriate to relax the conditions and it was proposed to delegate authority to the Head of Legal and Democratic to amend conditions in this and any other appropriate cases.

Recommended to Council:

That the scheme of delegation be amended so that the Head of Legal and Democratic Services has authority to depart from Standard Private Hire Vehicle Licence Conditions regarding vehicle signage upon grant or renewal of a licence in any individual case where he considers it appropriate to do so.

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Annual Licensing Conference Update

Following the Annual Licensing Conference held in London on 23 February 2016, Councillor Johnston delivered an informative presentation to the Committee.

The presentation covered the following areas:

- What are the impacts and non impacts of the Licensing Act 2003, 10 years on?
- Other developments in areas of licensing, specifically taxis and gambling.
- How can we, as a local authority, apply any of the lessons learned?

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Licensing Sub-Committee

Resolved:

That the membership of the Licensing Sub-Committee be comprised of three members of the Licensing Committee determined in accordance with minute 126 of Licensing Committee 19/09/13.

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Scheme of Delegations to Officers

Resolved:

That the Scheme of Delegations to Officers annexed to the report to Annual Council in so far as it applies to the powers and duties of the Licensing Committee be approved.

(Meeting terminated at 6:30 pm)