

**At a Meeting of the LICENSING COMMITTEE held in the CIVIC CENTRE on MONDAY, 2<sup>ND</sup> NOVEMBER, 2009 at 2.00 p.m.**

**Present:-**

Councillor A. Wilson in the Chair

Councillors Francis, G. Hall, Paul Maddison, J. Scott, H. Trueman, J. Walton and Whalen

**Apologies for Absence**

Apologies for absence were submitted to the meeting on behalf of Councillors Errington, Gofton, Old, Speding and D. Richardson

**Declarations of Interest**

There were no declarations of interest.

**Minutes of the last meeting of the Committee held on 7<sup>th</sup> September, 2009**

1. RESOLVED that minutes of the last meeting of the Committee held on 7<sup>th</sup> September be confirmed and signed as a correct record.

**Licensing Act 2003 – Cumulative Impact Policy**

The Director of City Services submitted a report (copy circulated) to advise Members of the criteria for the creation of a Cumulative Impact Policy.

(For copy report – see original minutes).

Tom Terrett, Trading Standards and Licensing Manager, presented the report. He advised that residents living near Hylton Road had asserted, in their view, there was currently a sufficiency of off licences in the area and that the granting of additional licences would lead to problems of crime and disorder.

He explained that it was possible, in certain circumstances, for the Council in its role as Licensing Authority to create a policy which would lead to licences in a particular area becoming more difficult to obtain. Such a document would be known as a 'Cumulative Impact Policy'. Mr. Terrett advised that the Guidance stated that 'it

would not normally be justifiable to adopt a Cumulative Impact Policy on the basis of a concentration of shops, stores or supermarkets selling alcohol for consumption off the premises'.

In light of all the circumstances, the Licensing Section proposed that they keep the situation in Hylton Road under review during their regular meetings with the Police and bring a further report to Members on the subject if necessary.

Councillor Trueman advised that he appreciated that it was important that there was good evidence that crime and disorder or nuisance were happening at premises in Hylton Road, however, this did not alter the fact that Hylton Road consisted of a large number of off licences to the detriment of pubs in the area.

Mr. Terrett advised that unless particular premises were causing a problem then very little could be done.

Councillor J. Scott advised that evidence of the problems in Hylton Road was often substantiated in Licensing Sub-Committees.

Councillor Francis asked for assurances that illegal sales of tobacco and alcohol were not taking place in the area.

Mr. Terrett advised that a great deal of resources went into ensuring illegal sales were not taking place.

2. RESOLVED that the contents of the report be received and noted and in light of all the circumstances, the Licensing Section propose that they keep the situation in Hylton Road under review during their regular meetings with the Police and bring a further report to Members on the subject if necessary.

### **Policing and Crime Bill – Regulation of Lap Dancing Clubs – Consultation on Transitional Arrangements**

The Director of City Services submitted a report to seek the views of Members with regard to a consultation document concerning transitional arrangements for the regulation of lap dancing clubs.

(For copy report – see original minutes).

Mr. Terrett presented the report and provided the Committee with background to the consultation. On 2<sup>nd</sup> December, 2008 the Government announced that they would introduce legislation to classify lap dancing clubs and other similar venues as 'sex establishments' under the 1982 Act. Such premises would be defined as 'sex encounter venues'. The relevant provisions were included in the Policing and Crime Bill which was introduced in Parliament on 19<sup>th</sup> December, 2009.

Mr. Terrett also advised that the Government had received representation from existing operators requesting that they be given 'grandfather rights' similar to those that were available when the Licensing Act 2003 and Gambling Act 2005 were

introduced. This could mean either that licences under the new regime would be available automatically to existing premises or that they should receive preferential treatment in the licensing process. However, the Government have proposed that no such rights should be available.

It was agreed to consider questions associated with the proposals in turn.

QUESTION 1 – What are your views on the proposal that the new regime should apply to existing operators and that the transitional provisions should not provide for them to be given preferential treatment when their application for a sex establishment licence comes to be determined?

Discussion ensued in relation to 'grandfather rights'.

Councillor G. Hall stated that as there was only one establishment in Sunderland that currently operated a lap dancing club without any apparent problems, the Committee could give consideration to affording it grandfather rights.

Mr. Terrett advised that currently, prior to new legislation being introduced, other establishments could open lap dancing clubs. The Government were minded to request that all premises make an application under the control of the Local Government (Miscellaneous Provisions) Act 1982.

The Chairman and Councillor Francis felt that existing establishments should not be given preferential treatment.

QUESTION 2 – What are your views on the proposed time periods between the first, second and third appointed dates and do you believe that a transitional period of twelve months in total is appropriate?

Members agreed that a transitional period of twelve months was appropriate.

QUESTION 3 – Do you agree with the proposed approach for identifying existing operators?

Members agreed.

QUESTION 4 – What are your views on the proposal for dealing with conditions on existing premises licences/club premises certificates that relate specifically to the provision of 'relevant entertainment'?

The response as pertaining to question 2 was agreed.

QUESTION 5 – What are your views on the proposal to commence these provisions in April 2010?

Members agreed the proposals should commence April 2010.

3. RESOLVED that the contents of the report be received and Members' views on the above-mentioned questions to the Government be noted.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) A. Wilson,  
Chairman.