

AGENDA



For a meeting of the
ALCOHOL, ENTERTAINMENT & LATE NIGHT REFRESHMENT LICENSING COMMITTEE
to be held on
FRIDAY, 5 JULY 2013
at
10.00 AM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETER'S HILL, GRANTHAM NG31 6PZ
Beverly Agass, Chief Executive

Committee Members:	Councillor Mark Ashberry, Councillor Pam Bosworth (Chairman), Councillor Robert Broughton, Councillor George Chivers, Councillor Breda Griffin, Councillor Reginald Howard, Councillor Graddon Rowlands, Councillor Bob Russell (Vice-Chairman), Councillor Susan Sandall, Councillor Mrs Jean Taylor and Councillor Frank Turner
Committee Support Officer:	Lucy Bonshor 01476 40 61 20 l.bonshor@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

1. APOLOGIES

2. DISCLOSURE OF INTERESTS

Members are asked to disclose any interests in matters for consideration at the meeting.

3. MINUTES OF MEETING HELD ON 10TH MAY 2013

(Enclosure)

4. LICENSING ACT 2003: APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE AND A VARIATION TO EXISTING HOURS AT TABOO GENTLEMAN'S CLUB, 99 WESTGATE, GRANTHAM

Report CSL/032 by the Community Safety and Licensing Service Manager.

(Enclosure)

(THE APPENDICES TO THE REPORT AT AGENDA ITEM 4 ARE ATTACHED FOR COMMITTEE MEMBERS ONLY. IF ANY OTHER MEMBERS WISH TO SEE THE SUPPORTING INFORMATION, PLEASE CONTACT THE SERVICE MANAGER, COMMUNITY SAFETY AND LICENSING).

5. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT.

MINUTES

**ALCOHOL, ENTERTAINMENT &
LATE NIGHT REFRESHMENT
LICENSING COMMITTEE
FRIDAY, 10 MAY 2013**



COMMITTEE MEMBERS PRESENT

Councillor George Chivers
Councillor Breda Griffin
Councillor Reginald Howard
Councillor Bob Russell (Vice-Chairman)

Councillor Susan Sandall
Councillor Mrs Jean Taylor
Councillor Frank Turner

OFFICERS

Licensing Officers (Richard Etherton, Chris Smith)
Community Safety and Licensing Service Manager (Mark Jones)
Solicitor to the Committee (Paul Rushworth)
Democratic Officer (Lucy Bonshor)

1. APOLOGIES

Apologies for absence were received from Councillor Pam Bosworth, Councillor Bob Broughton and Councillor Mark Ashberry.

2. DISCLOSURE OF INTERESTS

None disclosed.

3. MINUTES OF MEETING HELD ON 5TH APRIL 2013

The minutes of the meeting held on 5th April 2013 were agreed as a correct record of the decisions taken.

4. POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - THE LATE NIGHT LEVY

Decision:

That the Committee note the legislative changes that the Police and

Social Responsibility Act 2011 had made to the Licensing Act 2003 but they did not wish to introduce a late night levy at this time.

The Community Safety and Licensing Service Manager, Mark Jones gave a short presentation to Members about the recent changes that the Police and Social Responsibility Act 2011 had made to the Licensing Act 2003 concerning the introduction of a late night levy. His report CSL029 had been circulated with the agenda. The changes to the act provided local licensing authorities with a tool to restrict opening and closing times and collect a Late Night Levy to pay towards extra enforcement and other costs associated with the late opening of premises.

Mr Jones informed the Committee that the introduction of the levy was another power for authorities to use if they wished which would result in a revenue stream. The levy covered the hours from midnight to 6.00am in the morning.

Currently there was good partnership working between the Council, the local police and publicans. Good dialogues were in place and pubwatch was used widely both in Grantham and Stamford. Although there were problems these tended to be with small groups of individuals and were not on the scale that city councils encountered. Generally the late night economy ran well and the partnership working had all relevant agencies on board.

Mr Jones introduced Chief Inspector Mark Housley to the Committee who was the District Commander for North and South Kesteven. CI Housley began by informing the Committee that violent crime in Grantham was down by 18% and 20% in Stamford. He then briefly spoke about changes made to the current style of policing that helped to cope with the night time economy in both Grantham and Stamford and kept the communities safe. At the present time he did not support the introduction of a late night levy as the legislation already in place and the partnership working was he felt, fit for purpose. However, it may be that the issue would be looked at in the future by the Police Crime Commissioner (PCC).

Mr Jones then spoke about what the introduction of a levy would mean and how it would affect the whole of the district, only those with exemptions would be exempt and it would have the potential to damage the night time economy. By imposing a levy it could mean that all premises closed at the same time and therefore everyone would be on the street at the same time. The time that the levy would be imposed would also cut the revenue received. The revenue would be split 30/70 with 70% being taken by the PCC for them to spend anywhere in the county but there would be an expectation that any levy raised would be spent within the District. He gave an example of all premises closing at 2am which following the 30/70 split would only give a revenue stream of £5,000, which for the work that would be entailed to implement the levy was not significant and would impact businesses and the late night economy. As yet nobody in the Country had implemented a late night levy and with the tools and legislation already in place for local authorities to use, the

implementation of a levy could be seen as a failure to use the tools correctly. A watching brief would be kept on the situation and crime within South Kesteven generally. If the committee did decide to implement a levy then it would have to be designed and then a full consultation would have to be undertaken. If any changes were made following the consultation, another full consultation would need to be undertaken before the scheme was put before Council for approval which would have cost implications.

A Member asked if a levy was imposed how many premises it would affect. Mr Jones replied roughly 30 depending upon what exemptions were made and this would include mainly town centre establishments but also country public houses. Another Member asked if the introduction of a levy would be enforceable on councils if they didn't introduce one. Mr Jones replied that it was a local choice function and it was not the intention for it to become enforceable.

It was proposed and seconded that a late night levy was not introduced at the current time and this proposal was unanimously agreed by the Committee.

5. CLOSE OF MEETING

The meeting closed at 10.17am.

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING COMMITTEE

REPORT OF: Mark Jones, Community Safety & Licensing Manager

REPORT NO: CSL/032

DATE: 5 July 2013

TITLE:	Application to renew a Sexual Entertainment Venue Licence and a Variation to existing hours at Taboo Gentleman's Club, 99 Westgate, Grantham.	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor John Smith, Green, Healthy and Arts Portfolio Holder	
CONTACT OFFICER:	Richard Etherton – Licensing Officer 01476 406312 r.etherton@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below N/A	Full impact assessment Required: N/A
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	SKDC – SEX ESTABLISHMENTS PROCEDURES http://www.southkesteven.gov.uk/index.aspx?articleid=1976 (Appendix 1)	

1. RECOMMENDATIONS

- a. That the Committee decide whether to approve the renewal application for a Sexual Entertainment Venue Licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009)
- b. When determining the application the Committee shall have regard to:
 - i The authority's sex establishment procedures.
 - ii The Human Rights Act.
 - iii SKDC's regulations prescribing standard conditions. **Appendix 2**
 - iv Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- c. The options open to the Committee are:
 - To renew the application as applied for.
 - To renew the application with modifications and/or additional conditions.
 - Refuse the renewal. If, having considered the renewal application the committee decides to refuse it, it must provide the applicant with the reasons for the decision in writing.

2. PURPOSE OF THE REPORT

- 2.1 In accordance with the Authority's procedures, all applications relating to sex entertainment venues, with the exception of uncontested transfer applications, will be heard by the Licensing Committee.

3. DETAILS OF REPORT

- 3.1 The Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to permit the Licensing Authority to license Sex establishments
- 3.2 A Sex establishment means any premises, vehicle, vessel or stall where relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer.
- 3.3 The applicant has run a Sexual Entertainment Venue from 2012 up to the renewal application being submitted on 26 April 2013. (Appendix 3 refers)

- 3.4 The applicant has applied within this renewal application for a variation to the existing hours and days the premises operates at the present time.

Existing hours Mon –to Sunday 09:00hrs – 03:15hrs

Variation hours Mon to Sunday 03:15hrs – 04:15hrs

On Bank Holiday weekends, Christmas Eve, Boxing Day and New Years Eve a further 45 minutes until 05:00.

- 3.5 There has been three letters received objecting to the variation to the application from the same person, contained within the body of each of the letters are various comments pertaining to the Sexual Entertainment Venue. (The letters are numbered 1.2.3) (Appendix 4 refers)
- 3.6 There have been two e-mails received from the same person objecting to the variation to the application from the same person, contained within the body of the two e-mails are comments pertaining to the Sexual Entertainment Venue. (The e-mails are numbered 1.2) (Appendix 5 refers)
- 3.7 There has been no objections received from the responsible authorities.
- 3.8 The Lincolnshire Police County Licensing Sergeant has supplied a letter with regards to the application. (Appendix 6 refers)
- 3.9 Each application will be determined on its own merits. However, applications may only be refused on certain defined mandatory or discretionary grounds. These are:

Mandatory grounds

The Council must refuse an application if:-

- the applicant is under 18 years of age; or
- the applicant is for the time being disqualified from holding a licence under Schedule 3 Paragraph 17 (3) of the Act following revocation of a previous licence; or
- the person applying is not resident in the United Kingdom, or was not so resident during period of six months immediately preceding the date when the application was made; or
- where a body corporate is the applicant - it is not incorporated in the United Kingdom; or
- the applicant has been refused the grant or renewal of a licence for the same premises within a period of 12 months immediately preceding the date when the application was made, unless the refusal has been reversed on appeal.

Discretionary grounds

The Council may refuse an application for the grant or renewal of a licence if:-

- the applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason;
- the business would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- the number of sex establishments or sex establishments of a particular type in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality;
- “the grant or renewal of the licence would be inappropriate, having regard -
(i) to the character of the relevant locality; or
(ii) to the use to which any premises in the vicinity are put; or
(ii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.”

4. OTHER OPTIONS CONSIDERED

N/A

5. RESOURCE IMPLICATIONS

5.1 The cost of a sex establishment licence is £1,455.00. The cost of renewal is the same as application but this is under review.

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
None	Nil

7. ISSUES ARISING FROM IMPACT ANALYSIS

N/A

8. CRIME AND DISORDER IMPLICATIONS

N/A

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 If a licence is granted the appropriate licence fee as outlined in the report will need to be levied upon the establishment. The only other potential financial impact is in the event of an applicant making an appeal against a decision which was then subsequently upheld, the Council may incur additional legal costs.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 The grant, renewal and transfer of licences for sex establishments are governed by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing & Crime Act 2009. The Committee should consider any representations from the Chief Officer of Police or any other person who objects to the application and has submitted a representation in writing. The proper grounds for considering the application are found within the body of the report. The decision to grant or refuse the licence must be reasonable and proportionate and made in accordance with the attached sex establishment procedures. Any refusal must be supported by evidence that the statutory grounds for refusal are met and full reasons must be given to the applicant.

11. COMMENTS OF OTHER RELEVANT SERVICES

N/A

12. APPENDICES:

- 1 SKDC – Sex Establishments procedures
- 2 SKDC's regulations prescribing standard conditions
- 3 Application
- 4 Letters – (1.2.3)
- 5 E-mail – (1.2)
- 6 Lincolnshire Police letter