

LICENSING AND REGULATORY PANEL

TUESDAY, 22ND JUNE, 2010

PRESENT: Councillor S Armitage in the Chair

Councillors J Dunn, R D Feldman,
G Hussain, G Hyde, V Morgan, B Selby,
C Townsley, G Wilkinson and D Wilson

1 **Chairs Opening Remarks**

The Chair welcomed all present to this, the first meeting of the new Municipal Year. Councillor Armitage particularly welcomed new Members Councillors R Downes and G Hussain to the Panel and invited officers to introduce themselves.

2 **Late Items**

There were no late items of business

3 **Declarations of Interest**

There were no declarations of interest

4 **Apologies for Absence**

Apologies for absence were received from Councillor Grayshon

5 **Minutes**

RESOLVED - That the minutes of the previous meeting held 23 March 2010 be agreed as a correct record

6 **Terms of Reference and Officer Delegation Scheme for the Licensing and Regulatory Panel**

The Panel received a report from the Assistant Chief Executive (Corporate Governance) setting out the Terms of Reference and Officer Delegation Scheme relevant to the work and remit of the Panel for the 2010/2011 Municipal Year. Both documents had previously been approved by Annual Council on 27 May 2010.

The report also included a copy of the Code of Practice for Determining Licensing Matters for Members' reference.

The Panel commented on the ongoing situation regarding the Section Head of the Taxi & Private Hire Licensing and expressed dissatisfaction over the length of time the Section had been without a senior officer. The Chair noted Members' request for an investigation into the matter and directed officers to report to Members at the appropriate time.

Members went on to discuss the contents of the Code of Practice, and received clarification on the paragraph relating to lobbying. The paragraph relating to officers discretion to determine valid representations under the

Licensing Act 2003 was also discussed at this point although it was noted that this matter fell within the remit of the Licensing Committee. It was noted that all Codes and Protocols were currently being reviewed.

RESOLVED –

- a) That the Terms of Reference and Officer Delegation Scheme for 2010/11 be noted
- b) That the contents of the Code of Practice for Determining Licensing Matters be noted and taken into account when considering future items of business
- c) That, on completion of the current personnel matter relating to the Taxi & Private Licensing Section, officers be requested to report back to Panel Members on the process and the outcome

7 Sexual Entertainment venues - Adoption of Provisions Local Government (Miscellaneous Provisions) Act 1982

The Assistant Chief Executive (Corporate Governance) submitted a report seeking the Panel's preliminary opinion on whether the Council should adopt the provisions of the Policing and Crime Act 2009 which amended the Local Government Act (Miscellaneous Provisions) 1982 (Section 2 schedule 3). This introduced a new classification of Sex Establishment namely "Sexual Entertainment Venues" and a new licensing regime to Lap Dancing; Pole Dancing and "relevant entertainment" venues.

The Panel broadly welcomed the opportunity to adopt the provisions of the 2009 Act which they felt would provide better regulation of the industry than currently afforded local authorities under the Licensing Act 2003. Members briefly discussed their concerns over the inclusion of an exemption clause in the Act which would allow pubs/venues to provide occasional performances and the number of establishments currently operating in Leeds. The Panel also noted that historically, no incidents of crime and disorder/anti social behaviour had been reported to the Licensing Sub Committees which currently dealt with the premises licences under which the venues currently operated

RESOLVED

- a) That the contents of the report be noted
- b) That Panel recommend to Council that the provisions of the Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 be adopted
- c) That a further report providing information on the number and location of existing Sexual Entertainment Venues be presented to Members in due course

8 Sexual Entertainment Venues - Adoption of Policy and Standard Conditions Local Government (Miscellaneous Provisions) Act 1982

Further to minute 7 above where Panel resolved to recommend the adoption of the provisions of the Policing and Crime Act 2009 in terms of regulation of Sexual Entertainment Venues to Council, Members considered a further report by the Assistant Chief Executive (Corporate Governance) providing information on the process required in order to adopt a Policy for Leeds and

standard conditions relating to Sexual Entertainment Venues; Sex Shops and Sex Cinemas.

The report outlined those matters the Panel and Council may wish to consider for inclusion within the Policy and Members highlighted the safety of performers and advertisement displays as key issues. The Panel discussed the merits of setting a Policy bearing in mind that each application would be considered having regard to that Policy. It was also noted that once the provisions of the Policing and Crime Act 2009 in terms of the regulation of Sexual Entertainment Venues was adopted and the Policy in place; each existing operator would be required to apply for a new Licence.

The Panel considered the proposal to establish a small cross party Working Group to consider the terms of the Policy and receive advice from relevant parties and agreed to establish such a Group with cross party membership.

RESOLVED

- a) That Panel recommend to Council that a Policy for the regulation of Sexual Entertainment Venues, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009), be adopted
- b) That a Working Group be established to gather information and seek specialist advice in order to develop the Policy
- c) That the membership of the Working Group be as follows: Councillors Armitage, R D Feldman and Dunn.

*subsequent to the meeting, Councillor Grayshon accepted the invitation to join the Group

9 Work Programme 2010/2011

The Panel received a schedule setting out the proposed Licensing Work Programme during the 2010/11 Municipal Year. Members were aware that meetings of the Panel and the Licensing Committee had been scheduled to run concurrently in preparation for the proposal to merge both bodies being approved at full Council in July 2010

RESOLVED – To note the contents of the Work Programme

10 Date and Time of the Next Meeting

RESOLVED –

- a) To note the date and time of the next Licensing and Regulatory Panel as Tuesday 20th July 2010 at the conclusion of the Licensing Committee scheduled for 10.00 am the same day.
- b) To note the dates for the remainder of the Municipal Year as: 20th July 2010 ; 17th August 2010; 14th September 2010; 19th October 2010; 16th November 2010; 21st December 2010; 18th January 2011; 15th February 2011; 15th March 2011; 12th April 2011 and 17th May 2011. The Panel and the Licensing Committee will meet on the same day, alternating the 10.00 am start time