



Democratic Services
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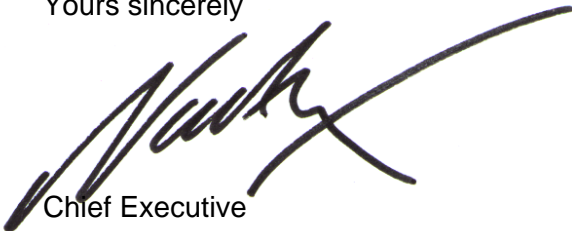
24 May 2010

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **LICENSING** Committee will be held at these Offices on Tuesday 1 June 2010 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Pauline Hodding on (01304) 872305 or by e-mail at paulinehodding@dover.gov.uk.

Yours sincerely



Chief Executive

Licensing Committee Membership:

Councillor B W Butcher	Councillor V J Revell
Councillor C M Edwards	Councillor D G Smallwood
Councillor A Friend	Councillor A R Smith
Councillor C E Kirby	Councillor C J Smith
Councillor P S Le Chevalier	Councillor J M Smith (Spokesperson)
Councillor S M Le Chevalier	Councillor R J Thompson
Councillor P A Lodge	Councillor R S Walkden
Councillor S C Manion	

DECLARATIONS OF INTEREST

Members are required to disclose the existence and nature of a personal interest at the commencement of the item of business to which the interest relates or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

AGENDA

1. **APOLOGIES**

2. **ELECTION OF CHAIRMAN**

To elect a Chairman of the Committee for the ensuing Council year.

3. **APPOINTMENT OF VICE-CHAIRMAN**

To appoint a Vice-Chairman of the Committee for the ensuing Council year.

4. **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

5. **MINUTES** (Page 4)

To consider the attached Minutes of the meeting of the Committee held on 20 April 2010.

6. **LICENSING ACT 2003 AND GAMBLING ACT 2005 – APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMEN OF SUB-COMMITTEES**
(Page 5)

To appoint five Sub-Committees of three Members each and to appoint a Chairman for each Sub-Committee in accordance with the attached report of the Democratic Services Manager.

7. **CONSULTATION UNDER THE LICENSING ACT 2003 AND POLICING AND CRIME ACT 2009** (Pages 6-7)

To consider the attached report of the Head of Governance.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public

inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.

- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Pauline Hodding, Senior Democratic Support Officer, telephone: (01304) 872305 or email: paulinehodding@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Minutes of the meeting of the **LICENSING** Committee held at the Council Offices, Whitfield on Tuesday 20 April 2010 at 10.00 am.

Present:

Chairman: Councillor P S Le Chevalier

Councillors: B W Butcher
C M Edwards
A Friend
P A Lodge
A R Smith
J M Smith
R J Thompson

Officers: Licensing Manager
Senior Democratic Support Officer

Apologies for absence were received from Councillors R Frayne, V J Revell, D G Smallwood and R S Walkden.

516 MINUTES

The Minutes of the meeting of the Committee held on 9 February 2010 were approved as a correct record and signed by the Chairman.

517 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED: That the Minutes of the Sub-Committee held on 9 February 2010 be received.

The meeting ended at 10.03 am.

REPORT OF THE DEMOCRATIC SERVICES MANAGER

LICENSING COMMITTEE – 1 JUNE 2010

LICENSING ACT 2003 AND GAMBLING ACT 2005 – APPOINTMENT OF LICENSING SUB-COMMITTEES AND CHAIRMEN OF SUB-COMMITTEES

Recommendation

That Committee appoints five Licensing Sub-Committees together with a Chairman for each Sub-Committee for the ensuing Council year.

Contact Officer: Pauline Hodding, extension 2305

1. As in previous years and in accordance with the Licensing Act 2003 and the Gambling Act 2005 this Council, as the Licensing Authority, is required to appoint five Sub-Committees to hear applications for licences, variation of licences and applications for review of licences. The Sub-Committees have been set up in such a way as to ensure that licence applications are not considered by Members representing the Ward in question and thereby to avoid any conflict of interests.
2. In the year 2009/10 the Sub Committees were as follows:
 - A B W Butcher, R Frayne, R J Thompson
 - B D G Smallwood, J M Smith, R S Walkden
 - C P A Lodge, V J Revell, A R Smith
 - D P S Le Chevalier, C M Edwards, C E Kirby
 - E C J Smith, A Friend, S C Manion.
3. The suggested Sub-Committees (and Chairmen) for 2010/11 are:
 - A B W Butcher, R J Thompson, S C Manion
 - B D G Smallwood, A R Smith, R S Walkden
 - C P A Lodge, V J Revell, J M Smith
 - D P S Le Chevalier, C M Edwards, C E Kirby
 - E C J Smith, A Friend, S M Le Chevalier
4. Democratic Services Officers are also asking for the flexibility to change members of the Sub-Committees, and possibly Chairmen, when circumstances dictate. This has worked well in the past and has allowed newly appointed Members to gain experience by attending hearings as well as providing resilience at times when a number of hearings are required over a short period.

LOUISE COOKE

Democratic Services Manager

REPORT OF THE HEAD OF GOVERNANCE

LICENSING COMMITTEE – 1 JUNE 2020

CABINET – 5 JULY 2010

LICENSING COMMITTEE – TBA

COUNCIL – TBA

CONSULTATION UNDER THE LICENSING ACT 2003 AND POLICING AND CRIME ACT 2009

Recommendation

To recommend to Cabinet that the consultation be approved.

Contact Officer: Tony Bartlett, extension 2229.

Reasons why a decision is required

1. The Licensing Act 2003 requires that the Licensing Authority publish a Statement of Policy and Principals (The Licensing Policy) and that the policy be reviewed every three years. The policy was last reviewed in 2008 and is due to be reaffirmed not later than December 2010 in order to come into force in January 2011.
2. There have been substantial amendments to the Licensing Act 2003 including the adoption of a code of mandatory conditions, the removal of relevant entertainment in respect of sex entertainment venues from the scope of regulated entertainment, and the proposed introduction of Early Morning Alcohol Restriction Orders. There are therefore significant issues that the public, trade and other stakeholders need to be consulted upon prior to the adoption of the revised policy.
3. In order to make the most cost effective use of resources it is proposed to combine the consultation on the Licensing Policy and the proposed Policy in respect of Sex Shops, Sex Cinemas and Sex Entertainment Venues. Whilst each policy will be a separate issue there are areas of overlap that need to be considered.
4. It is also considered that consultation on the proposed policy in respect of Sex Shops, Sex Cinemas and Sex Entertainment Venues be undertaken in order that a coherent policy is in place prior to any adoption of the revised Schedule 3 to the Local Government (Miscellaneous Provision) Act 1982.
5. It is requested that Cabinet authorise these consultations to be undertaken.

Options available to the Council with assessment of preferred option

6.
 - (1) To allow both consultations to be carried out simultaneously.
 - (2) To allow separate consultations to be undertaken.
 - (3) To consult on the Licensing Policy only.
7. The Licensing Manager is of the opinion that option 1 above provides the most cost effective method to achieve the ends outlined above.

Information to be considered in taking the decision

8. The review of the Licensing Policy is a statutory requirement of the Licensing Act 2003 and must be undertaken.
9. The amendments to Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 came into force in January 2010 under the provisions of the Policing and Crime Act 2009. The Council is required either to adopt the revised Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 or, should it fail to do so within 12 months, carry out a public consultation as to whether or not it should be adopted. There is therefore no saving in not carrying out the consultation in respect of this issue.
10. It is intended to try to mitigate costs by making both policies available online and only providing hard copies to responsible authorities and trade organisations.

Background Papers

Proposed revised Statement of Principals and Policy – Licensing Act 2003
Proposed policy in respect of Sex Shops, Sex Cinemas and Sex Entertainment Venues

Resource Implications

Requirement from Current Budget	Requirement for Additional Budget	
	Current Year	Full Year
Post costs + any public meetings directed by Cabinet	£2,500	£2,500

Attachments

None

DAVID RANDALL

Head of Governance