



Minutes

Name of meeting	LICENSING AND GENERAL PURPOSES COMMITTEE
Date and time	WEDNESDAY, 2 JUNE 2010 COMMENCING AT 4.00 PM
Venue	COMMITTEE ROOM ONE, COUNTY HALL, NEWPORT, ISLE OF WIGHT
Present	Cllrs Jonathan Bacon, Ivan Bulwer, Paul Fuller, Colin Richards, Arthur Taylor, Jerry White, David Williams
Officers Present	Julie Martin, Justin Thorne, Kevin Winchcombe
Apologies	Cllrs Heather Humby, Susan Scoccia

1. Election of Chairman for the Day

Councillor Ivan Bulwer was proposed and seconded, there being no other nominations it was

RESOLVED:

THAT Councillor Ivan Bulwer be elected Chairman for the day.

2. Minutes

RESOLVED :

THAT the Minutes of the meeting held on [1 March 2010](#) be confirmed.

3. Declarations of Interest

There were no declarations received at this stage.

4. Reports of the Head of Community Safety Service

(a) Licensing Fees and Charges

The Committee was advised that under legislation which governed licensing activities, local authorities were able to set reasonable fees and charges for carrying out functions associated with licensing activities which could normally be broken down into two areas, administration and enforcement.

Local authorities had no control over fees set for the Licensing Act 2003 and there were maximum fees that could be charged for the Gambling Act 2005.

Members were told that the fees had last been reviewed in 2008. It was proposed that the majority of the fees and charges should be increased above the 1.5% as agreed by Full Council. As the Licensing section should be cost neutral it was therefore essential that the Council charged the correct fee to enable the Council to have sufficient resources to ensure all activities were carried out safely and in line with any conditions imposed on the licence or permit.

There was some concern with regard to the large increase to the cost of renewing of a zoo licence. The Committee was advised that previously the zoo's had inadvertently not been recharged for either vets fees or those relating to the DEFRA inspectors, which amounted to £2,450.00. All fees had to be included up front and could not be added to later. Members asked if it would be possible to phase payment over a period of time so the cost was not so onerous for zoos, officers would investigate and report back to the committee at a later date.

Members asked if it was within the powers of the committee to fix the charge whereby monies raised from fees relating to sex establishments could be redirected to support other establishments which the committee thought were more worthwhile. The Committee was advised that each fee was established to support that particular regulatory function, thereby fees raised from zoos had to support the zoo function and those raised from sex licensing were to support sex licensing.

It was noted that fees and charges had been comprehensively assessed and documented. There was no specific requirement for public consultation therefore none had been carried out. Any revisions to the fees and charges would be published in the local paper informing the public of the increase.

RESOLVED :

- (i) THAT the full cost fees and charges, as set out in Appendix 6 of the report, with the exception of the zoo fees, be approved with immediate effect.
 - (ii) THAT the zoo fees be reviewed and brought back to the committee at a later date for consideration.
- (b) Adoption of Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982 - Sex Establishments

Members were advised that following the introduction of the Policing and Crime Act 2009, local authorities were required to re-adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 if they wanted the new provision relating to the licensing of sex establishment venue to be effective in their area. Section 27 of the Policing and Crime

Act 2009 introduced a new category of sex establishment called 'sexual entertainment venue' which would allow local authorities to regulate lap dancing clubs and other similar venues or types of entertainment.

Local authorities would have the powers to control the number and location of lap dancing clubs and similar venues in their area. Those powers were not mandatory and would only apply where they were adopted by local authorities. Where adopted, the provisions would allow local authorities to refuse an application on potentially wider grounds than could be sustained under the Licensing Act 2003 and would give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

There was no specific requirement for public consultation therefore none had been carried out. If the local authority failed to adopt the power by April 2011 a member of the public could compel the authority to consult on whether it should adopt the power.

If Schedule 3 of the Act was re-adopted then a Policy would be produced and subject to full consultation. The results of the consultation would be brought back to the Committee with the Policy for approval. It was anticipated the process would take approximately three months.

RESOLVED :

THAT Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by s27 the Police and Crime Act 2009) be adopted with effect from the 2 July 2010.

CHAIRMAN