

REGULATORY COMMITTEE

Minutes of the meeting held on Monday 16 July 2012 at Town Hall, Royal Leamington Spa at 2.30 pm.

PRESENT: Councillor Pratt (Chairman); Councillors Mrs Gallagher, Gill, Mrs Higgins, Illingworth, MacKay, Shilton, Weed and Wreford-Bush.

Apologies for absence were received from Councillor Goode.

7. **SUBSTITUTES**

Councillor Gifford substituted for Councillor Goode.

8. **DECLARATIONS OF INTEREST**

Councillor Gill made a personal interest because one of the applicants was known to him by sight, as a fellow worshipper at the temple. He was not aware of the gentleman's name.

9. **MINUTES**

The minutes of the meeting held on 18 April 2012 were received and a number of amendments were requested by Councillor Weed.

She requested that the spelling of Shri Krishna be corrected on page 4/4 and that the comments detailed on page 4/5 be clarified as originating from Mr Besant.

With the amendments suggested, the Committee were happy to agree the minutes as read and were signed as a correct record.

10. **CHANGES TO THE COUNCIL'S SEX ESTABLISHMENT POLICY**

The Committee received a report from the Licensing Services Manager following a request from members to revisit the Council's policy on Sex Establishments to clarify and expand on the word 'proximity'.

Members had concerns that the wording of the Sex Establishment Policy adopted by the Council was not clear and required some changes. The existing wording was:

Whilst the council have not imposed a limit on the number of premises that may be licensed in any area, and whilst treating each application upon its own merits, the council will not normally licence premises that are in close proximity to: -

- (a) a residential area;*
- (b) a school, nursery or any other premises substantially used by or for children under 16 years of age;*
- (c) a park or other recreational area used by or for children under 16 years of age;*

(d) *a church or other place of religious worship.*

Consultation was undertaken with the Council's legal officer and a change of wording was put forward which officers felt was more appropriate. This was detailed as:

3.2 The legislation provides that the Council may refuse an application for the grant or renewal of a licence if it considers that it would be inappropriate, having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.

When considering whether a licence should be refused on this basis, the Council will have regard to the following;

- *The proximity of residential premises, including any sheltered housing and accommodation of vulnerable people;*
- *The proximity of educational establishments;*
- *The proximity of places of worship;*
- *Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises;*
- *The proximity of shopping centres;*
- *The proximity of community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive);*
- *Any relevant planning considerations;*
- *Whether there is planned regeneration of the area*
- *The proximity of other Sex Establishments;*
- *The nature and concerns of any objections received from residents and/or establishments objecting to the licence application;*
- *Any evidence of complaints about noise and/or disturbance caused by the premises;*
- *Any current licensing permission related to the premises in respect of activities, uses and hours*

The Council has not set a limit on the number of Sex Establishments that it thinks is appropriate for any relevant locality and will determine each application on its own merits.

Members felt that the new wording gave more flexibility and allowed Councillors to use their own wisdom when judging each application. It was agreed that to restrict 'proximity' to specific measurements would make it more difficult for members to use their discretion and would result in unfair decisions being reached.

Councillor Mrs Weed asked if an additional point could be added to include having regard to the 'Public perception of public safety', especially taking street lighting into account. It was felt that it would be relevant to be mindful of this but it was agreed that this issue could be best dealt with on site visits rather than making a specific change to the policy.

The Licensing Services Manager, David Davies, reminded members that the policy was a guidance document, not a strict set of rules, and should be used as a base line.

There were a number of minor amendments agreed, including adding the word 'children's' before nurseries and to ensure that any reference to 'objections' was altered to representations, to provide a fairer view.

RESOLVED that

- (1) the proposed wording to paragraph 3.2 of the Sex Establishment policy be adopted;
- (2) references to 'objections' be amended to 'representations', where appropriate; and
- (3) the word 'children's' be inserted before the reference to 'nurseries'.

11. PUBLIC AND PRESS

RESOLVED that under Section 100A of the Local Government Act 1972 that the Public and Press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below:

Minute No.	Para Nos.	Reason
12 to 15	1	Information relating to any individual
12 to 15	2	Information which is likely to reveal the identity of an individual

The full minutes of Minutes 12 to 15 were contained within a confidential minute because they either contained information relating to individuals or information which was likely to reveal the identity of individuals. However, a summary of the decisions was as follows:

12. A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE HOLDER WITH UNDECLARED CONVICTIONS

The Committee considered a report from Community Protection with regard to a renewal application received from a hackney carriage/private hire driver currently licensed by the Council.

RESOLVED that the hearing be deferred to allow for an interpreter to be present.

13. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE WITH CONVICTIONS

The Committee considered a report from Community Protection with regard to an application received for a hackney carriage/private hire driver's licence from a person with convictions.

RESOLVED that the application be allowed to proceed.

14. **APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE WITH CONVICTIONS**

The Committee considered a report from Community Protection with regard to an application received for a hackney carriage/private hire driver's licence from a person with convictions.

RESOLVED that the application be allowed to proceed.

15. **COMPLAINT AGAINST A HACKNEY CARRIAGE / PRIVATE HIRE DRIVER**

The Committee considered a report from Community Protection following receipt of a complaint concerning a hackney carriage / private hire driver licensed by the Council.

RESOLVED that there was insufficient evidence to prove the allegation and therefore no further action be taken on this matter.

(The meeting finished at 5.15 pm)