

**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE held at Surrey
Heath House, Camberley on
15 September 2010**

+ Cllr David Hamilton – Vice-Chairman (in the Chair)

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| + Cllr Rodney Bates | + Cllr Bruce Mansell |
| + Cllr Bill Chapman | + Cllr Anji Patterson |
| - Cllr Mrs Vivienne Chapman | - Cllr Mrs Patricia Pearce |
| Cllr Mohammed Chaudry | + Cllr Audrey Roxburgh |
| - Cllr Mike Drew | + Cllr Stewart Stevenson |
| + Cllr Surinder Gandhum | + Cllr Gret Woodason |
| + Cllr Paul Ilnicki | vacancy |

+ Present

- Apologies for absence presented

Substitutes: Councillor Ian Sams substitute for Councillor Mrs Pat Pearce
Councillor Alan Whittart substitute for Councillor Mike Drew

001/L MINUTES

The minutes of the meeting held on 7 April 2010 were confirmed and signed by the Chairman.

PART I
(public)

002/L SEXUAL ENTERTAINMENT VENUES

In February 2003 the Licensing Committee had adopted a Sex Establishments Licensing Policy which determined that the appropriate number of sex establishments in the borough was nil. Changes to the Policing and Crime Act 2009 in April 2010 resulted in lapdancing and striptease venues being categorised as sexual entertainment venues, a category of Sex Establishments.

The Council would consequently need to adopt the legislation and develop a policy which would assist the Committee in determining applications. The Council would also need to amend its existing policy of nil sex establishments in the borough. The policy would be widely consulted on; the Licensing Committee would be one of the consultees.

Members were advised that, under the legislation, venues would be able to have up to 12 shows per year involving acts such as the exotic dance groups, without them being classed as a Sexual Entertainment Venue.

RESOLVED that the requirement to adopt the new legislation and adopt a new Sex Establishments policy be noted.

003/L GUIDANCE FOR ISSUE OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENSES TO APPLICANTS WITH PREVIOUS CONVICTIONS

Members were advised that, as part of the review of all Hackney Carriage and Private Hire Guidelines, the Guidance for Issue of Hackney Carriage and Private Hire Vehicle Drive Licenses to Applicants with Previous Convictions had been updated.

Amendments to the Guidance principally concerned formatting and grammatical changes. Minor additions to the Guidelines had been made, adding Suspended Sentences, Community Service and Community Orders to the Summary of Rehabilitation Periods Applicable to Certain Sentences; these provisions had previously been included in the legislation but had been omitted from the Council's guidelines.

Some Members questioned the requirement that applicants disclose any spent convictions, as they felt that these should be disregarded in order to allow the applicant to start afresh once they had been rehabilitated. The Committee was advised that case law only allowed for unspent convictions to be considered when determining applications; however, spent convictions could be considered in exceptional circumstances and therefore provision for this was needed in the Guidelines. It was noted that as Criminal Records Bureau checks were undertaken on all applicants, information on spent convictions would also be disclosed at this juncture.

RESOLVED that the revised Guidance for Issue of Hackney Carriage and Private Hire Vehicle Driver Licenses to Applicants with Previous Convictions, as attached at Annex A to the agenda report, be adopted.

004/L URGENT ACTION

The Committee was advised that Urgent Action had been undertaken since the last meeting of the Committee. The Vice-Chairman of the Committee, the Mayor and the Director of Corporate Services had been consulted.

The Urgent Action removed ambiguity in the Scheme of Delegation of Functions to Officers in respect of applications relating to Hackney Carriage and Private Hire vehicles which do not meet the Council's requirements. The delegation was made to the Council's Legal Service Manager.

RESOLVED that the Urgent Action be noted.

005/L LICENSING ACT 2003 – SUMMARY OF DECISIONS

The Committee received details of the decisions taken under delegated powers in respect of licence applications where no representations had been received from the responsible authorities or interested parties.

CHAIRMAN