

**Minutes of a Meeting of the Licensing
Committee held at Surrey Heath House,
Camberley on 14 September 2011**

+ Cllr Bruce Mansell – Chairman
+ Cllr Bill Chapman – Vice Chairman

+ Cllr Rodney Bates	- Cllr Bob Paton
+ Cllr Glyn Carpenter (Minute 02/L to 05/L)	Cllr Chris Pitt
+ Cllr Mrs Vivienne Chapman	- Cllr Joanne Potter
+ Cllr Surinder Gandhum	+ Cllr Ian Sams
+ Cllr Beverley Harding	+ Cllr Pat Tedder
+ Cllr Paul Ilnicki (Minute 03/L to 05/L)	- Cllr Valerie White
+ Cllr Lexie Kemp	

+ Present

- Apologies for absence presented

Substitutes: Cllr Charlotte Morley substitute for Cllr Valerie White

In attendance: Cllr Stephen Moore – Parish Representative on the Standards Committee

01/L Minutes

The minutes of the meeting held on 9 March 2011 were confirmed and signed by the Chairman.

PART I **(public)**

02/L Sexual Entertainment Venues

The Committee was reminded that at its meeting on 9 March 2011 it had reviewed the third draft of the Sex Establishments Policy and Procedure and had agreed for it to be submitted for public consultation. The three month public consultation period had ended on 1 July 2011.

The Working Group established to oversee the development of the policy had met to consider the consultation responses, following which a number of minor amendments had been made to the policy.

In addition, it was proposed that Appendix 5, which detailed the procedure for an application to be heard at the Licensing Sub Committee, would not be attached to the policy and reference to the Appendix be removed from paragraph 8.8. It was further proposed to delete paragraph 8.9 of the policy, which made reference to restricting the time an applicant could speak at the Sub-Committee, as that would not reflect the principles of natural justice. The Committee agreed to the proposed changes. All appendices and paragraphs would be renumbered accordingly.

The Committee was advised that as the Licensing Sub Committee would determine applications for a Sexual Entertainment Venue Licence, its Terms of Reference at Part 3 of the Constitution would require updating.

RECOMMENDED that

- (i) **the Sex Establishments Policy and Procedure, as attached at Annex A to these minutes, be approved; and**
- (ii) **the Terms of Reference of the Licensing Sub Committee at Part 3 of the Constitution be updated to incorporate provision for conducting a hearing relating to an application for a Sexual Entertainment Venue Licence.**

03/L Hackney Carriage and Private Hire Age Limits on Vehicles

The Committee was informed that under the Council's current Guidelines with Regard to Age Limits on Vehicles Submitted for Licensing as Hackney Carriages and Private Hire Vehicles, no vehicle could be presented for re-licensing once it was over 5 years old, based upon its first registration with the DVLA. Exemptions to this policy would only be granted if the vehicle was in an immaculate condition.

The policy consequently allowed a vehicle slightly under 5 years old to be re-licensed until it was 6 years old, but would prevent a vehicle slightly over 5 years old from being re-licensed for the same period, unless an exemption was applied for and granted

In order to ensure fairness and to avoid the risk of challenge, it was proposed to amend the policy wording to allow for a vehicle to be licensed for a maximum of six years from its first registration with the DVLA.

RESOLVED that the Council Guidelines with Regard to Age Limits on Vehicles Submitted for Licensing as Hackney Carriages and Private Hire Vehicles be amended to allow for vehicles to be licensed for a maximum of six years from their first registration with the DVLA.

04/L Street Collection Policy – Surrey Border Lions Club- Bagshot, Lightwater and Windlesham District, and Make a Wish

The Committee was reminded that the Council's Street Collection Policy allowed charities to carry out one street collection per year. However, a number of charities had applied for and been granted licences for additional days' collections.

Members were informed that Surrey Border Lions Club- Bagshot, Lightwater and Windlesham District, and Make a Wish had submitted requests for an additional day's licence. Surrey Border Lions Club's had requested a licence for an additional day as its principal fundraising was raised through street collections. Make a Wish's request would enable them to make collections at both the Frimley Green Carnival and Surrey Heath Show.

The Committee's legal advisor informed Members that she had concerns that the current Street Collection Policy could give rise to inequality being exercised and could therefore be subject to challenge. It was agreed that the Policy should be subject to a review, following which an Equality Impact Assessment would be conducted.

It was agreed that, in view of the concerns raised, the requests from Surrey Border Lions Club and Make a Wish should be deferred for consideration once the policy had been reviewed.

RESOLVED that

- (i) the Street Collection Policy be reviewed and considered at the November meeting of the committee; and**
- (ii) the requests from Surrey Border Lions Club- Bagshot, Lightwater and Windlesham District, and Make a Wish be deferred for consideration following the review of the Street Collection Policy.**

05/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 and details of Licensing Sub Committee hearings which had taken place since the previous committee.

CHAIRMAN