

Merton Council

Licensing Committee

Membership:

Councillor David Simpson CBE - Chairman

Councillor Stan Anderson

Councillor Chris Edge

Councillor Suzanne Evans

Councillor Samantha George

Councillor James Holmes

Councillor Philip Jones

Councillor John Sargeant

Councillor Sam Thomas

Councillor Ray Tindle

Councillor Gregory Patrick Udeh

Councillor Martin Whelton

A meeting of the Licensing Committee will be held on:

Date: 21 October 2010

Time: 7.15 pm

Venue: Committee Rooms D and E, first floor

Merton Civic Centre, London Road, Morden

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Licensing Committee

21 October 2010

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Declarations of interest (see note1) Councillors and co-opted members must declare if they have a personal or prejudicial interest in any of the items on this agenda at the start of the meeting, or as soon as the interest becomes apparent to them.	
2	-
Apologies for absence	
3	3
Minutes of the meeting held on 9 March 2010	
4	5
Review of Merton's Licensing Policy Statement	

Note1: Declarations of interest

Councillors and co-opted members who have a personal or prejudicial interest in relation to any item on this agenda are asked to complete a declaration form and hand it to the Democratic Services Officer. Forms, together with a summary of guidance on making declarations of interest, will be available around the meeting table. If further clarification is needed members are advised to refer to "The Code of Conduct – Guide for members May 2007" issued by Standards for England, which will be available at the meeting if needed.

LICENSING COMMITTEE

9 MARCH 2010

(7.15pm – 7.55pm)

PRESENT: Councillors Oonagh Moulton (in the Chair), Richard Chellew, Chris Edge, Philip Jones, David Simpson CBE, Gregory Udeh and Martin Whelton.

ALSO PRESENT: Council Officers
Alan Powell (Principal Licensing Officer), Fabiola Hickson (Senior Litigation Lawyer) and M.J.Udall (Democratic Services Officer).

Apologies for absence were received from: Councillors Kryisia Williams and Ron Wilson.

1 DECLARATIONS OF INTEREST (Agenda Item 1)

No declarations were made.

2 MINUTES (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 10 November 2009 are agreed as a correct record.

3 CHANGES IN THE POLICE AND CRIME ACT 2009 (Agenda Item 4)

Alan Powell (Principal Licensing Officer) introduced the report, including detailing -
(a) the current Council policy, dating back to 1982, of nil sex establishments (i.e. sex shops) in the Borough;

(b) the new legislation for the licensing of Sexual Entertainment Venues which included activities such as strip-tease, lap and pole dancing and hostess bars;

(c) the proposed consultation on a draft new Council policy proposing nil sex establishments per Ward; and

(d) the proposed consideration of the new policy by the General Purposes Committee in June after the Elections, as the matter didn't currently fall within the powers of the Licensing Committee.

Officers then responded to Members queries on various issues, including advising that -

(i) massage or beauty parlours came under different legislation;

(ii) allegations that an establishment was being used for prostitution would be a matter for action by the police;

(iii) even if the Council had a policy of zero sex establishments, applications could still be made to open sex establishments in the Borough;

(iv) if such applications were refused, then the applicant could appeal to the Magistrates Court; and

(v) any policy of zero sex establishments could be the subject of judicial review.

Committee's Powers: Fabiola Hickson (Senior Litigation Lawyer) confirmed that the Head of Legal Services was looking at possible amendments to the Council's Constitution so as to transfer responsibility for licensing of sex establishments and

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issues under the Gambling Act, including gaming machines, to the Licensing Committee.

In response to a Member's suggestion that responsibility for Street Trading Licences be also possibly transferred from General Purposes Committee to the Licensing Committee, Fabiola Hickson advised that at present only designation of part of a highway as a street trading pitch went to General Purposes Committee; that officers had powers to deal with individual applications to trade; and that street trading came under different legislation (i.e. not the Licensing or Gambling Acts) and so would need to be considered by a separate committee.

RESOLVED: That the Committee notes the proposed changes in the Police & Crime Act 2009 relating to Sex Establishments and the proposal to include other types of activities such as strip-tease, lap and pole dancing and hostess bars which are described in the new legislation as Sexual Entertainment Establishments.

(NB. Following the closure of the meeting, there was an informal discussion in relation to various enforcement and licensing issues.)