NORWICH
City Council

Minutes

Licensing committee

16:30 to 18:30 **18 December 2018**

Present: Councillors Malik (chair), Ackroyd, Brociek-Coulton, Fullman, Huntley, Maxwell, Price, Raby (sub for Henderson), Ryan, Stewart and Thomas (Va)

Apologies: Councillors Bradford, Fulton-McAlister (E) (vice chair) and Henderson

1. Public questions/ petitions

There were no public questions or petitions received.

2. Declarations of interest

There were no declarations of interest.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 6 September 2018.

4. Licensing policy, cumulative impact – verbal update

The environmental protection, licensing and markets manager provided the update. He said that Norwich City Council's licensing policy was adopted in 2015. The Licensing Act required that local authority licensing policies were reviewed every five years.

The cumulative impact aspect of the policy was developed in consultation with the police using data on local crimes. However, it was not a legal requirement to have a section on cumulative impact within a licensing policy. New legislation was scheduled to be introduced on cumulative impact within licensing polices which would provide an opportunity to review the cumulative impact aspect of Norwich City Council's licensing policy.

In response to member questions the environmental protection, licensing and markets manager said that the new legislation on cumulative impact would be incorporated into the licensing policy. The police would be consulted and data requested as part of this process. This information would then be presented to the licensing committee and the committee asked to consider whether to continue with the cumulative impact aspect

within the policy.

The environmental protection, licensing and markets manager said that if the licensing policy was changed then the council was required to consult with relevant bodies. If the licensing policy was reviewed the requirement was to consult with the police.

RESOLVED to note the update on licensing policy, cumulative impact.

5. Gambling Statement of Principles

The environmental protection, licensing and markets manager presented the report. He said the current Gambling Statement of Principles was introduced in 2007. Legislation required that such policies be updated every three years. The draft Gambling Statement of Principles had been updated in accordance with relevant legislation and guidance. If approved, the draft would go out for consultation for eight weeks and then return to the licensing committee before going to council for adoption.

In response to a member question the environmental protection, licensing and markets manager said the Local Area Profile was in the process of being produced. The Local Area Profile was a map of the city centre with vulnerable areas highlighted. Applicants used it to conduct an assessment of the impact their business would have to the area in which they were applying for a licence. It was a factual document not a policy and was not required to go to licensing committee for approval.

Members discussed the draft Gambling Statement of Principles. A member suggested that on agenda page 41, under the list of measures which maybe considered to meet the licensing objectives that zero visibility of the gambling areas of an adult gambling centre from the outside should be included on the list.

A member asked if the number of gambling establishments in the area was considered when applications were received. The environmental protection, licensing and markets manager said the emphasis in the Gambling Act was a presumption in favour of a licence being granted. It was not possible to take into account the number of gambling establishments already in an area. It was also not possible to apply moral or ethical grounds to the validity of an application.

Discussion ensued on what constituted a relevant representation against the granting of a licence for a gambling establishment. The environmental protection, licensing and markets manager said that only relevant representations prompted a licensing subcommittee to be convened to hear the application. Representations against applications on moral or ethical grounds and vexatious representations were invalid.

A member noted that on agenda page 26, paragraph 5.4 of the draft Gambling Statement of Principles it stated that members approached by constituents to represent their views should not sit on the licensing subcommittee meeting to hear the application. Further that on agenda page 65, paragraph 27.2 the policy stated that ward councillors could not sit on a licensing subcommittee to hear an application within their own ward.

RESOLVED:

1) on agenda page 41, under the list of measures which maybe considered to meet the licensing objectives to include zero visibility of the gambling areas of

an adult gambling centre from the street on the list;

2) on agenda page 26, paragraph 5.4 to change licensing committee to licensing subcommittee;

3) on agenda page 26, paragraph 5.4 to amend to councillors should consider if they are they are predetermined by a resident asking them to represent their views and therefore preclude themselves from sitting on the licensing subcommittee;

4) on agenda page 65, paragraph 27.2, remove the last sentence; 'ward councillors will not sit on a subcommittee involving an application within their ward'; and

5) to authorise the head of citywide services to consult on the draft Gambling Statement of Principles as amended by points one to four above.

6. Sex Establishment Policy

The environmental protection, licensing and markets manager presented the report. He said in 2014 the council adopted its Sex Establishment Policy. In September 2017 four Sexual Entertainment Venues (SEVs) in the city applied and were granted licences. At the time the licences were determined, the policy was amended to determine relevant localities for making applications within the city. Three localities had been identified; the Late Night Economy Zone (which included three SEVs), the City Centre Leisure Area (which contained one SEV) and all other areas outside of these two.

At the meeting of the licensing committee in September 2018, members amended the City Centre Leisure Area to incorporate the location of the one licensed sex shop in the city. At this meeting members requested research be conducted and presented to committee in order to enable it to consider the setting of an appropriate number of sex establishments within each relevant locality.

Members discussed the appropriate numbers within each relevant locality. The numbers of existing licensed sexual establishments in the city had reduced because one SEV within the Late Night Activity Zone did not reapply for its licence.

In response to a member question the environmental protection, licensing and markets manager said that if the council set a cap on the numbers of sex establishments within each of the relevant localities applications above this number were not automatically refused and any decision to refuse an application could be appealed.

Members discussed the possibility of separating out the categories of sex establishments and setting appropriate numbers to each category but it was decided not to pursue this.

RESOLVED to:

1) set a limit on the number of sex establishments in the relevant localities as follows; Late Night Activity Zone: two sex establishments; City Centre Leisure Area (as amended): two sex establishments, all other areas: zero sex establishments ; and

2) authorise the head of citywide services to consult on the draft Sex Establishment Policy.

7. Standing item – Regulatory subcommittee minutes

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 17 September, 8 October and 12 November 2018.

CHAIR