



Licensing committee

16:30 to 18:30

30 January 2020

Present: Councillors Stutely (chair), Fulton-McAlister (E) (vice chair), Ackroyd, Brociek-Coulton, Giles, Grahame, Huntley, Maxwell, McCartney-Gray, Oliver, Price and Schmierer

Apologies: Councillor Ryan

1. Public questions/ petitions

There were no public questions or petitions received.

2. Declarations of interest

There were no declarations of interest.

3. Minutes

The minutes from 6 June 2019 were attached to the agenda in error and the minutes from 5 September 2019 were circulated at the meeting.

RESOLVED to approve the accuracy of the minutes of the meeting held on 5 September 2019.

4. Amendment to standard conditions for licences to drive hackney carriage and private hire vehicles

The public protection manager presented the report. Members discussed the suggested amendment to the wording of condition 12 contained in the report and following discussion the following wording was agreed:

12. Cautions, Convictions and Barred Lists

The driver shall within seven days of being notified of any caution or conviction or other penalty imposed on them during the period of their licence inform the licensing department of the Council in writing with details of the caution or conviction or other penalty. This includes all motoring offences and driving licence endorsements. The driver shall also inform the licensing department of the Council in writing of inclusion in any list barring or restricting the driver from

working with adults or children within seven days of notification, with details of the bar or restriction. The driver must ensure that their notification has been received by the licensing department of the Council.

Members also noted on page four of the green book, agenda page 18, under the first set of bullet points, the last bullet point listed protected characteristics and that this should include pregnancy and maternity and marriage and civil partnership.

It was further noted on the page of contents that The Town Police Clauses Act was 1847 and not 1947.

RESOLVED to:

- (1) amend condition 12 of the 'The Green Book' as above;
- (2) expand the list of protected characteristic listed on page 4 to include pregnancy and maternity and marriage and civil partnership; and
- (3) correct the year of The Town Police Clauses Act to 1847.

5. Statement of Licensing Policy for Sex Establishments

The public protection manager presented the report. It was noted that a number of amendments to the Statement of Licensing Policy for Sex Establishments had been circulated to members since the agenda was published. This was on the advice of the monitoring officer in order that the policy should take account of the Equality Act 2010 legislation.

Members discussed how it would work if an applicant in an area where a cap was set wanted to renew their application. The public protection manager advised that if there were three licences in an area where the policy proposed there should be two the aim would be to defer hearing that application until all three could be heard together. In response to a member question he confirmed that there would be no presumption that an application would be refused if the number of establishments in an area were already at the maximum the policy referenced. He emphasized that whilst a cap on establishments could be set that each application would be heard on its own merits and it was entirely possible that this resulted in a higher number of establishments in an area than the policy had determined was desirable.

Members discussed establishments in the Price of Wales Road area and how applications within this area would be processed. Councillor Price proposed that any applications received from within this area should be deferred and determined on the same day. The public protection manager advised the authority could be open to challenge if a new application was received and any applicant made to wait for their application to be determined. Members discussed the proposal, the idea was put to the vote and fell with three voting in favour and nine against.

Members discussed the inspection regime for establishments and the wording within the policy which referred to how often inspections would be conducted. The public protection manager advised there was no particular regime in place for inspecting establishments, inspections tended to take place on an ad hoc basis and in conjunction

with the police. Notice was not always provided to establishments, if licensing officers were attending with the police who were conducting a particular operation then notification may have been provided to establishments. The environmental health and public protection manager said that the basis for inspections was intelligence led rather than there being a set program.

Members were concerned to ensure that inspections occurred as they considered sex establishments could present a risk to employees in terms of exploitation.

RESOLVED to amend the statement of Licensing Policy for Sex Establishments as follows:

- (1) at the top of report page 10, agenda page 54, to add a bullet point to the list, after Human Rights Act 1998, the Equality Act 2010;
- (2) to add an extra paragraph at report page 10, agenda page 54, before the paragraph starting "Paragraph 12", as follows:

"In taking licensing decisions the Authority will be mindful of the public sector equality duty under the Equality Act 2010. Decisions will be taken with due regard to the need to:

Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010.

Advance equality of opportunity between people who share a protected characteristic and those who do not.

Foster good relations between people who share a protected characteristic and those who do not."

- (3) at the bottom of page 5 of the report, agenda page 49, to amend the last paragraph as follows:

"In recognising that different parts of the City have different characteristics the Authority has decided that certain areas as follows are or are not an appropriate location for a sex establishment or for more than a limited number of sex establishments but will nevertheless consider each application upon its individual merits."

- (4) at report page 10, agenda page 54, to amend the last paragraph as follows:

"In cases where objections have been received; or if there are concerns regarding the characteristics of the locality; or any other discretionary ground of refusal exists, including that if the application were granted then any maximum number of premises in a relevant locality would be exceeded (as detailed in section 4 of this policy), then the application will be referred to the Licensing Committee for a hearing and determination of the application."

- (5) at report page 13, agenda page 57, to amend the last paragraph as follows:

"The Authority will adopt an intelligence led and risk based approach to its monitoring and inspection regime. In general this will involve carrying out inspections of premises normally once a year unless exceptional circumstances require otherwise. The

Authority also reserves the right to conduct random spot checks from time to time as it sees fit.”

6. Gambling policy: inclusion of a “No Casino” resolution

The environmental health and public protection manager presented the report. Since the last Gambling Policy was approved by Norwich City Council the law changed and Norwich City Council legally could not issue a licence for a large casino within its area. Therefore the “No Casino” resolution within the current policy was defunct.

Members discussed officer’s recommendation to remove the “no casinos” resolution from the Gambling Policy and whilst acknowledging the change in legislation, there was still a desire to show a commitment to no casinos in the area and a desire therefore to keep the resolution.

RESOLVED to acknowledge the legal position as regards the inability of the authority to grant a casino licence but to maintain a “no casino” resolution within the Gambling Policy.

7. Gambling policy: updated local area profile

The environmental health and public protection manager presented the report. Members expressed disappointment that the report did not include a Gambling Statement of Principles and noted that this outstanding piece of work was overdue. Members considered that the updated local area profile was not adequately updated, the data was out of date and more recent data sets were available and should be used.

The environmental health and public protection manager apologised to members of the committee that the data was not up to date and agreed to amend the local area profile and return with it and the Gambling Statement of Principles to the March 2020 meeting of licensing Committee.

The environmental health and public protection manager displayed the new interactive map tool. In response to a member question he advised the tool currently did not list live music venues but it was possible to add new criteria. A member noted that the information contained in the report at pages 115-152 was incorrect and incomplete and the information on page 116 under the heading services for people in financial difficulties included pawnbrokers and cash convertors along with foodbanks which were not what members considered to be services which benefited individuals in financial difficulty. Another member noted that on page 117 under the heading homelessness services these were a list of services which were not solely for homeless individuals. A member also questioned why medical centres were listed as treatment centres as this had a different meaning. It was agreed that the links would be sent to members of the committee and an opportunity provided for feedback.

RESOLVED to ask the environmental health and public protection manager to:

- (1) present an updated and a finalised Gambling Statement of Principles and local area profile to the next meeting of licensing committee in March 2020; and

- (2) send the links to the interactive mapping tool to members of the committee to review the tool.

8. Standing item – Regulatory subcommittee minutes

It was noted that Councillor Stutely was present at the meeting of 10 June 2019 (pm) and was the chair of the meeting.

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 10 June 2019 (am), 10 June 2019 (pm), 8 July 2019, 16 September 2019, 11 November 2019 and 9 December 2019.

CHAIR