



LICENSING COMMITTEE

MINUTES of the Open section of the meeting of the LICENSING COMMITTEE held on THURSDAY 11th NOVEMBER, 2004 at 7.00 p.m. at the Town Hall, Peckham Road, London SE5 8UB.

PRESENT: Councillor Linda Manchester (Chair)
Councillor Lorraine Lauder (Vice-Chair)
Councillor David Bradbury
Councillor Jeff Hook
Councillor Abdul Mohamed

APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Lewis Robinson and Norma Gibbes

CONFIRMATION OF VOTING MEMBERS

The Members listed as being present were confirmed as the Voting Members. Councillor David Bradbury was acting as a reserve in place of Councillor Lewis Robinson.

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

There were no items of urgent business.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no declarations of interest

RECORDING OF MEMBERS' VOTES

Council Procedure Rule 1.17(5) allows a Member to request immediately after the vote is taken that her/his individual vote be recorded in respect of any motions and amendments. Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The Committee considered the items set out on the agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

MINUTES

RESOLVED: That the minutes of the meetings held on the 5th October 2004 be agreed

and signed as a correct record,

6. LICENSING ACT 2003 – DRAFT STATEMENT OF POLICY (see pages 21 to 143)

The committee received a presentation on the council's draft Statement of Licensing Policy and agreed the recommendations below which were to be forwarded to Council Assembly for consideration.

- RESOLVED :**
1. That the analysis of responses received from the consultation exercise on the council's draft Statement of Licensing Policy and the proposed actions contained in Appendix C to the report be noted.
 2. That the following specific comments on issues raised during the consultation exercise be agreed:
 - (a) That the policy document be re-arranged so as to re-group the Sections on "Purpose and Scope of the Policy", "Administration, Exercise and Delegation of Function" and "Conditions" together early on in the document and expand these to provide a more complete overview of the whole licensing process. The revised sections should contain clear references to the other supporting documentation that will be available from the Licensing Service.
 - (b) That the policy be amended throughout so as to properly reflect the position regarding the imposition of conditions on licences.
 - (c) That where guidance is provided within the policy to the types of issues that might be considered during the preparation of an applicant's operating schedule and the range of available control measures, it is made clear that this information is provided as guidance only and it will not be necessary for the range of control measures to be imposed in every circumstance.
 - (d) That until such time that any "saturation policy" may be adopted by this Council then the policy continues to take the approach that each application will be considered upon its own merits with all relevant matters taken into account, but that applications for licences which include the provision of "striptease and similar entertainment" should as a matter of course be considered by the Council's Licensing Committee for the purpose of ensuring consistency with the licensing objectives.
 - (e) That the position relating to "saturation policies" outlined in paragraph 33 above together with the proposed course of actions to be taken be noted. It should be understood that neither matter will be considered in time for inclusion in the initial policy set by the Council. However, the policy document may be reviewed and amended at any time.

- (f) That the Licensing Authority's general support for the Arts contained within the policy be extended to circus and street arts which do not include the use of animals.
- (g) That the following proposals be endorsed
 - (1) Retaining the encouragement to introduce smoking ban when children are admitted to the premises within the policy. The policy would need to make it clear that this could not be imposed as a licence condition;
 - (2) To ask applicants to indicate whether a full or partial ban is being put in place in order for the Licensing Authority to monitor the situation and report to our colleagues in the health field.

In accordance with Committee Procedure Rule 1.9 (3), Councillor David Bradbury requested that his vote against resolution 2(g) be recorded in the minutes.

7. **LICENSING ACT 2003 – DRAFT STATEMENT OF POLICY** (see pages 1 to 20 and supplemental agenda No.1 pages 144 to 146)

The committee received a presentation on constitutional changes necessary to introduce new decision making structures required by the Licensing Act 2003 and agreed the recommendations below which were to be forwarded to the standards committee for consideration.

- RESOLVED :**
1. That the standards committee be advised of the following recommendations concerning constitutional changes:
 - (a) That a division of responsibilities as indicated in Appendix 1 of the report as amended by paragraphs 4 and 5 of the addendum report be agreed in respect of licensing functions.
 - (b) That a division of responsibilities as indicated in Appendix 1 of the report be agreed in respect of street trading functions.
 - (c) That a committee of 15 members be formed by council assembly.
 - (d) That the 15 person committee be politically proportionate comprising either 7 Liberal Democrat, 6 Labour and 2 Conservative members or 7 Liberal Democrat, 7 Labour and 1 Conservative members.
 - (e) That the licensing committee appoints sub-committees of three members of the main committee without further specification convened on an as required basis.
 - (f) That no reserves be appointed to the licensing committee.
 - (g) That council assembly appoints the chair and vice-chair of the licensing committee and the licensing committee determines its sub-committee memberships and provisions for the election of chairs and vice-chairs of its sub-committees.
 - (h) That standards committee be asked to consider what, if any, special responsibility allowances be paid to the chair and other members and whether any special responsibility allowances paid be additional to any allowances currently received and should members be obliged to undertake approved training prior to hearing any applications.
 - (i) That the constitutional changes affecting community council terms of reference and matters reserved as set out in Appendix 1 be noted.
 - (j) That it be noted there would be no change in the proportionality of the planning and the appointments committees.
 2. That, in light of recommendation 1, officers be given the authority to make any consequential changes to the constitution to ensure consistency, including any necessary corrections to spelling, grammar and punctuation, without changing the substantive content.
 3. That officers recommend that after the first year of operation the

new arrangements be reviewed.

MOTION OF EXCLUSION OF PRESS AND PUBLIC

At 8.16 p.m. it was moved, seconded and

RESOLVED: That under the Access to Information procedure Rules of the Southwark Constitution, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in category 4, of paragraph 10.4 of the Procedure Rules.

REVOCAION OF STREET TRADING LICENCES

The committee considered the revocation of street trading licences on the grounds of non-payment of fees.

The meeting closed at 10.19pm

CHAIR:

DATED: