

## LICENSING COMMITTEE

29 October 2019

### Present:

Councillor Keith Owen (Chair)

Councillors Buswell, Begley, Branston, Henson, D, Oliver, Quance, I, Vizard, Warwick, Wood and Wright

### Apologies:

Councillors Mitchell, K and Newby

### Also present:

Environmental Health and Licensing Manager, Litigation Solicitor and Democratic Services Officer (MD)

## 21 **Minutes**

The minutes of the meeting held on 17 September 2019 were taken as read, approved and signed by the Chair as correct, subject to the following amendment:-

Minute 20 - The Chair also reiterated that if any complaints should be received from members of the public that the matter could come back for consideration in the intervening period to be considered by the Environmental Health and Licensing Manager in consultation with the Chair and Licensing Committee.

## 22 **Declarations of Interest**

No declarations of interest were made by Members.

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

## 23 **Proposal To Amend the Sex Establishment Licensing Policy**

The Licensing Committee received the report to amend the licensing policy for sex establishments in the city, which was adopted in 2013 which prohibited sex establishments from having window displays. In June 2019, ABS Holdings on behalf of 'Simply Pleasure', submitted a formal request to display their clothing range as part of their window display. There were no existing means within the policy to vary the licence and the suggested alternative was to amend the policy with conditions to control the suitability of the window displays.

Particular reference was made to the request to delegate power to the Environmental Health and Licensing Manager to control and inspect window displays before they are revealed. The amendment to the wording in the policy, would bring Exeter City Council in-line with other Council's in the country and provide a suitable balance between the commercial requirements of the licence holder, and maintaining appropriate window displays in licenced sex establishments.

During the discussion, the following points were raised:-

- The content of the window displays and what was considered to be appropriate was a concern, however leaving the windows blacked out could be controversial. What was considered acceptable should be comparable to other high street clothing store displays;
- It was considered appropriate that the Chair of the Licensing Committee and another member of the Licensing Committee should be consulted by the Environmental Health and Licensing Manager when considering displays;
- Any extra time spent for inspecting the displays before they are put up, would be charged to the premises as part of their licensing fee;
- The premises' window displays would operate to the rules set by the Advertising Standards Authority.

A motion was made to amend Condition 17 of the policy, to providing delegated power to the Environmental Health and Licensing Manager in consultation with the Chair of the Licensing Committee and one additional Member of the Licensing Committee, to approve window display content as required. The motion was seconded and passed unanimously.

**RECOMMENDED:** that the amended Sex Establishment Licensing Policy be approved and that Council be requested to adopt the policy.

#### 24 **Proposal to introduce an updated Statement of Licensing Policy**

The Licensing Committee received the report, to introduce an updated Statement of Licensing Policy, which would establish the general principles for regulating and enforcing the Licensing Act 2003. Following a 12 week public consultation, as approved by the Licensing Committee on 16 July 2019, the Licensing Authority received no comments or representations. The Devon and Cornwall Constabulary had been involved in discussions, which contributed to the creation of the draft policy.

**RECOMMENDED:** that the updated Statement of Licensing Policy be approved and that Council be requested to formally adopt the Policy.

#### 25 **Revision of the Taxi Forum Terms of Reference**

The Licensing Committee received the report which sought to review the Taxi Forum Terms of Reference, to ensure that there was clear membership representation from the Licensing Committee, Taxi Trade and Licensing Authority. Particular reference was made to the two main changes in the terms of reference:-

- The Deputy Chair of the Licensing Committee would also serve as the Deputy Chair of the Taxi Forum; and
- The limitation to the number of Licensing Committee members, attending the Taxi Forum meetings would be removed.

Specific reference was made to representation from the Hackney Carriage Trade to ensure that their representatives were elected at a constituted Annual General Meeting (AGM) and the minutes of the meeting with a confirmation letter confirming the elected positions were submitted to the Licensing Authority prior to the first meeting of the calendar year. Private Hire Trade representatives would need to provide a letter from the owner of the company prior to the first meeting of the calendar year, stating that they are authorised and delegated to act on behalf of the company at the taxi forum.

Members supported the amendments and encouraged the taxi associations to submit the proper paperwork prior to the first meeting of the calendar year, to ensure they had appropriate representation at the Taxi Forum meetings.

**RESOLVED:** that the Licensing Committee approve the Taxi Forum Terms of Reference.

The meeting commenced at 5.30 pm and closed at 6.21 pm

Chair

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