



Committee and Date
Strategic Licensing
Committee

29 September 2010
10.00am

Item

3

Public

**MINUTES OF THE STRATEGIC LICENSING COMMITTEE MEETING HELD ON
WEDNESDAY 16 JUNE 2010 AT 10.00AM IN THE SHREWSBURY ROOM,
SHIREHALL, SHREWSBURY**

Responsible Officer Jane Palmer

Email: jane.palmer@shropshire.gov.uk

Telephone: 01743 252748

PRESENT

Councillors:

P.Adams, W. Benyon, A. Davies, T. Durnell, S. Jones, M. Owen [Portfolio Holder], K. Roberts, J Tandy, Mrs R Taylor-Smith and R Tindall.

1. ELECTION OF CHAIRMAN

It was proposed and duly seconded and

RESOLVED

that Councillor Mrs R D Taylor-Smith be elected Chairman of the Strategic Licensing Committee for the ensuing municipal year.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs T Huffer and Mrs M Shineton.

3. APPOINTMENT OF VICE CHAIRMAN

It was proposed and duly seconded and

RESOLVED

that Councillor P Adams be appointed Vice Chairman of the Strategic Licensing Committee for the ensuing municipal year.

4. MINUTES – 23 MARCH 2010**RESOLVED:**

that, subject to the addition of Councillor Mrs T Huffer to the list of Members present at the meeting, the Minutes of the Strategic Licensing Committee meeting held on 23 March 2010 be approved as a correct record and signed by the Chairman.

5. PUBLIC QUESTION TIME

In accordance with Council Procedure Rule 14, Mr Anderson asked questions relating to age restricting alcohol sales that had been considered at the last meeting of the Committee. The questions tabled at the meeting, together with the Council's response are attached to the Minute book copy of the record of this meeting.

Mr Anderson asked a supplementary question on how education could compete against the mass media flooding the market promoting the purchase and consumption of alcohol. The Assistant Director, Public Protection, acknowledged the scale of media on licensing but stressed the merits of both education and enforcement in dealing with the issues.

6. DECLARATIONS OF INTEREST

Declarations of personal interest were declared, as follows:

<u>Member</u>	<u>Item No.</u>	<u>Nature of Interest</u>
W. Benyon	8	Oswestry Town Councillor - did not vote on the matter when considered by Oswestry Town Council but noted his intention to withdraw from this meeting during consideration of the item.
P Adams, T Durnell and K Roberts	7	Shrewsbury Town Councillors
Mrs R Taylor-Smith	7 11	Husband is a Ludlow Town Councillor Royal British Legion

7. STREET TRADING: DELEGATION OF POWERS TO TOWN COUNCILS

The Area Head of Public Protection introduced the report relating to the request from Ludlow Town Council for Shropshire Council to delegate its power on the street trading provisions of the Local Government [Miscellaneous Provisions] Act 1982 with regard to the Ludlow consent streets. Members noted that the delegation was required in order for powers relating to street trading to be exercised more locally.

A Member commented that other Town Councils in the County might wish to seek delegation of these powers. The Solicitor advised that any requests forthcoming from other Town Councils in the County could be considered later should Council receive any. It was noted that there must be a request before delegation could be given. There was general consensus that a written approach be made to the other Town Councils to establish whether there was any desire to take on these powers.

The Assistant Director, Public Protection, assured the Committee that any loss of income to the Council would be more than compensated by the real savings emanating from the ongoing review of the licensing function within Shropshire Council. In answer to a Member's question, he stated that the new establishment would be in operation from 1 October 2010.

RECOMMENDED

that pursuant to s101(1)(b) Local Government Act 1972, Shropshire Council delegates to Ludlow Town Council all of its powers emanating from Schedule 4 Local Government (Miscellaneous Provisions) Act 1982.

RESOLVED

that a written invitation be made to all other Town Councils in the County to establish whether, with regards to any consent/licence/prohibited streets in that particular Town, they may wish to seek delegation of Shropshire Council's powers emanating from Schedule 4 Local Government (Miscellaneous Provisions) Act 1982

8. STREET TRADING: AMENDMENT TO CONSENT STREETS IN OSWESTRY

Councillor W Benyon left the meeting during consideration of this item.

The Assistant Director, Public Protection introduced the report that detailed a request received from Oswestry Town Council for Bailey Street and New Street, Oswestry to no longer be designated as consent streets. The Town Council considered these streets to constitute a rival market in direct conflict with the town market and the Town Council's Market Charter and were of the opinion that consents should only be granted in exceptional circumstances, for example the Oswestry Food and Drink Festival and charitable or other similar not for profit making associations.

Members noted that, although the pitch fee was £3 a day more expensive than the traders currently paid, the Town Council had offered them pitches and free parking together with the accompanying benefit from the Council's promotion of the market.

In response to a Member's query, the Assistant Director, Public Protection, stated that the Oswestry Town Council did not currently wish to take on these two streets as consent streets. He commented that consultation on the proposal not to issue any consents for Bailey Street and New Street, Oswestry (apart from exception) may solve the issue and he stressed that, after consultation, any representations received would need to be considered by the Committee prior to a final decision being made.

RESOLVED

- i) that pursuant to Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 any consents for Bailey Street and New Street, Oswestry be not issued with the exception of the following purposes and for such other exceptional purposes as the Council may consider to be appropriate:
 - . Oswestry Food And Drink Festival
 - . Charitable or similar non-profit making association
- ii) that Officers consult on the proposal not to issue any consents for Bailey Street and New Street, Oswestry apart from exceptions and report back to the Committee for final determination.

Councillor W Benyon rejoined the meeting.

9. REGULARISATION OF PROCEDURES FOR PREMISES PROVIDING ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN COLOURING, COSMETIC PIERCING AND ELECTROLYSIS

The North Public Protection Manager introduced the report relating to current inconsistencies in the regulatory framework throughout Shropshire Council's area relating to businesses delivering acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and/or electrolysis because of the existence of byelaws from the former Boroughs and Districts. She suggested the necessary course of action to provide consistency and clarity across the county by the adoption of new countywide byelaws and the revocation of the existing.

Referring to the model byelaws attached to the report, the Assistant Director, Public Protection, stated that the reference to 'medical practitioner' referred to a registered GP and the reference to 'dentist' referred to a registered dentist.

In answer to a Member's concern, the Assistant Director, Public Protection, assured the Committee that the Police would enforce body piercing on

anyone under the age of 18 years and the Council would provide evidence to assist the investigation, if required.

RECOMMENDED

- i) that the provisions of the Local Government (Miscellaneous Provisions) Act 1982 Part VIII s14-17 be adopted with effect from 1 September 2010;
- ii) that the model byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis be adopted as detailed in Appendix 1 to the report with effect from 1 September 2010;
- iii) that all existing byelaws which regulate acupuncture, tattooing, semi-permanent skin-colouring, cosmetic/ear piercing and electrolysis be revoked with effect from the date of the model byelaws [as per (ii) above] came into force.

10. REGULATION OF SEXUAL ENTERTAINMENT VENUES

The Area Head of Public Protection introduced the report and explained that the advent of the Policing and Crime Act 2009 that had come into force on 6 April 2010 had enhanced the Council's powers by the introduction of a new category of sex establishment called a 'sexual entertainment venue'.

Members noted the draft sexual entertainment venue policy attached as Appendix 2 to the report and that there was no statutory duty to consult with local people. Referring to the financial implications, the Assistant Director, Public Protection, explained that the annual review of all fees and charges would be considered as part of the Council's budget process later in the year.

In answer to a Member's query regarding the meaning of 'for any other reason', the Solicitor stated that an applicant may have a licence refused for any reasonable excuse in much the same way as licence applications for taxi drivers were considered with individuals' circumstances and individual situations being taken into account.

RECOMMENDED

- i) that in accordance with Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') Schedule 3 to the 1982 Act, as amended by section 27 of the Policing and Crime Act 2009, apply to the Council's area as from 1 September 2010;
- ii) that the Licensing fee for Sexual Entertainment Venues be set, as follows:

Grant	£1,350
Renewal	£1,350
Transfer	£ 500

- iii) that all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and section 27 of the Policing and Crime Act 2009 by means of Paragraph 2(2) of Schedule 3 of that Act be delegated to the Assistant Director, Public Protection;
- iv) that the draft Sexual Entertainment Venues Policy, detailed in Appendix 2 to the report, be approved.

11. POLICY AND REGULATIONS FOR STREET COLLECTIONS

The North Public Protection Manager introduced the report relating to the ongoing process to standardise conditions and policies within Shropshire Council's area of responsibility. She stated that a single policy and a single set of regulations relating to street collections would provide a consistent approach to street collections in Shropshire and would reduce the risk of the provision of incorrect advice.

Members agreed that Parish and Town Councils should be consulted to establish whether they might wish to take on any responsibilities regarding street collections in their areas.

RESOLVED

- i) that the Committee be minded to adopt the draft Policy on Street Collections, as detailed in Appendix A to the report;
- ii) that, subject to the addition of 'without adult supervision' at paragraph 11, the draft Regulations issued under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972, attached as Appendix B to the report, be approved;
- iii) that Officers consult with Parish and Town Councils in the county on the proposed policy on street collections and establish whether they may wish to take on the powers detailed in the Regulations in (ii) above.

12. APPOINTMENTS TO LICENSING SUB-COMMITTEES

The Assistant Director, Public Protection, stated that the report resulted from the request from members of the Strategic Licensing Committee to reconsider how members were selected for Licensing Sub-Committees given the unequal workload across the three areas, north, south and central. This inequity had been illustrated by Members' workload with some Members, particularly those in the Central area, having a significantly heavier workload than their colleagues.

The Committee debated the issue at some length. The suggestion to encourage those with the least experience for selection was not considered practical in that it could entail Members travelling extensive distances to cover meetings. Various suggestions were discussed, including holding all hearings in the Shirehall, Shrewsbury, having one single Licensing Sub-Committee to consider all hearings throughout the County and holding meetings in the evenings

RESOLVED

that the guidance on appointments to the Licensing Sub-Committees be as follows:

Members be appointed to the Licensing Sub-Committees from members of the Strategic Licensing Committee on the basis of first preference being given to those Members who:

- Do not represent the Division affected
- Reply to the email seeking appointment to the Sub-Committee after three calendar days [the members being chosen equally on the fourth day from those indicating their availability]
- Do not have a prejudicial interest and are not representing one of the parties

The meeting closed at 11.30 am

CHAIRMAN.....

DATE.....