

**Medway Council**  
**Meeting of Licensing and Safety Committee**  
**Thursday, 18 November 2010**  
**6.00pm to 7.05pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

- Present:** Councillors: Andrews (Vice-Chairman), Kenneth Bamber, Burt, Mrs Diane Chambers (Chairman), Etheridge, Harriott, Haydock, Hicks, Stephen Kearney and Shaw
- Substitutes:** Councillors:  
Avey (Substitute for Kemp)
- In Attendance:** Peter Holland, Committee Co-ordinator  
Jonathan Male, Senior Lawyer  
Alison Poulson, Business Development and Licensing Manager  
Lynsey Keen, Senior Licensing and Enforcement Officer  
Sergeant Mark Carron  
Acting Chief Inspector Richard Cherry

**529 Record of meeting**

The record of the meeting held on 30 June 2010 was agreed and signed by the Chairman as correct.

**530 Apologies for absence**

Apologies for absence were received from Councillor Kemp.

**531 Declarations of interest**

There were no apologies for absence.

**532 Licensing Act 2003 - Police report on Licensing Matters**

**Discussion:**

Sergeant Mark Carron and Acting Chief Inspector Richard Cherry from Kent Police introduced the Kent Police in Medway Licensing report 2009/10.

Members were informed that there are currently 800 licensed premises and 1600 personal licence holders within Medway and that the data source for the report was taken from the Kent Police Business Information Unit.

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The representatives from Kent Police informed the committee that there had been a general fall in crime within Medway with only a minor increase in the number of incidents of anti-social behaviour within this period, however these figures were still positive.

The report and presentation gave members information in relation to the following:

- Administration of Licensed Premises
- Anti-Social behaviour
- Test Purchasing Operations
- Safer Medway Partnership
- Police Operations
- The SOS bus
- Medway Street Pastors
- Temporary Event Notices
- Impact of Longer Licensing Hours
- Smoking Laws
- Gambling Act

The Committee was informed that the main threats to licensing within Medway were drinks promotions, the “pre-loading “ of alcohol by individuals on cheap alcohol from supermarkets before going out and the turnover of Designated Premises Supervisors caused by the current recession.

Members were informed that the key to success is effective partnership working through engaging with the licensing trade and the community.

Members commented on the following issues:

- The SOS bus
- Concerns that the comprehensive spending review does not affect the partnership working
- That the perception of crime was the main issue to overcome
- Alcohol free zones
- The new Chatham Partners and Community Together Group (PACT)

### **Decision:**

Members thanked the representatives of Kent Police for their report and presentation and noted the contents of the report.

## **533 Sex Establishments and Sexual Entertainment Venues**

### **Discussion:**

The Business Development and Licensing Manager presented a report that asked the committee to consider the draft Policy Statement proposed following changes

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to the Local Government (Miscellaneous Provisions) Act 1982 introduced by the Policing and Crime Act 2009 in respect of Sexual Entertainment Venues (SEVs).

It was noted that the draft Statement of Policy in respect of Sex Establishments had been correctly advertised as part of a 6-week consultation a local newspaper, on the Council's website and at local offices.

Two responses had been received, one of which agreed with the statement and the other had no further comments to make.

Members were concerned that the legislation did not allow individuals to object to such applications under moral grounds and asked officers to confirm the effects that this legislation would have on the Council's current policy of restricting the number of sex shops in Medway to 2 establishments only.

Officers replied that due to a change in legislation and the European Services Directive a restriction policy would be inappropriate, however there is still power for authorities to restrict the number of SEVs as each individual application must be viewed on its own merit.

### **Decision:**

The Sub-committee considered the options available for members to consider and agreed:

made the following recommendations to Full Council for approval:

- (a) To recommend to Full Council that it adopts the Statement of Policy in respect of Sex Establishments under Section 27 of the Policing and Crime Act 2009, which amends Schedule 3 to the Local Government (Miscellaneous Provisions ) Act 1982 in relation to sexual entertainment venues with a published policy being approved by January 2011 and the first appointed day being set a 1 April 2010.
- (b) To recommend to Full Council that officers are delegated to grant any applications whereby no representations have been received and the officer is able to agree suitable conditions with the applicant.
- (c) That a Sub-Committee of the Licensing and Safety Committee is established to decide on applications where there has been relevant representations received in relation to an application or where conditions have been proposed by officers but not accepted by the applicant.

## **534 Licensing Act 2003 - Review of Council Statement of Licensing Policy**

### **Discussion:**

The Business Development and Licensing Manager introduced a report that asked the committee to review the current Council Statement of Licensing Policy. Members were informed that Section 5 of the Licensing Act 2003 requires a

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licensing authority to prepare and publish a statement of its policy every 3 years and that as this is a policy framework document the final decision is a decision for Full Council with Business Support Overview and Scrutiny Committee being also asked for its comments.

The Business and Development and Licensing Manager reported that the current policy had provided a stable but flexible background to the Council's consideration of licensing applications. It was noted that as part of the review of the Licensing Policy Statement, the proposed revisions had been correctly advertised as part of a 6-week consultation in a local paper, on the Council's website and at the Council's local offices.

Details of the consultation had also been sent to responsible authorities, members and members of the trade and two representations had been received, only one of which raised objections. These objections were set out in paragraph 3.2 of the report.

Members were informed that officers had considered the points raised as a result of the consultation and proposed changes to the Licensing Policy as set out at paragraphs 4.2 and 4.3 of the report.

The committee was also asked to consider proposed changes to the policy recommended by officers set out at paragraphs 5.1 to 5.5. These changes were due to housekeeping and minor amendments as a result of legislative changes and some responses to consultation.

### **Decision:**

The committee agreed to recommend the proposed changes to the Licensing Policy as set out in paragraphs 5.1-5.5 of the report to Business Support Overview and Scrutiny Committee on 2 December 2010, Cabinet on 21 December 2010 and Council on 13 January 2011 for approval as part of the Council's policy framework.

**Chairman**

**Date:**

**Peter Holland, Committee Co-ordinator**

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