



# NOTICE OF MEETING

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## LICENSING COMMITTEE

**WEDNESDAY, 23 OCTOBER 2013 AT 9.30 AM**

**THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL**

Telephone enquiries to Lucy Wingham, 023 9283 4662

Email: [lucy.wingham@portsmouthcc.gov.uk](mailto:lucy.wingham@portsmouthcc.gov.uk)

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### Licensing Committee Members:

Councillors Les Stevens (Chair), David Fuller (Vice-Chair), Phil Smith (Deputy Chair), Margaret Adair, Ken Ellcome, Jason Fazackarley, Ken Ferrett, Margaret Foster, Aiden Gray, Jacqui Hancock, Frank Jonas, Lee Mason, Eleanor Scott, Sandra Stockdale and April Windebank

### Standing Deputies

Councillors Leo Madden, Hugh Mason, Robert New, Jim Patey and Neill Young

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(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the relevant officer by 12 noon of the working day before the meeting, and must include the purpose of the deputation (eg. for or against the recommendations). Email requests are accepted. Contact: Lucy Wingham as listed above.

## AGENDA

- 1 **Apologies for Absence**
- 2 **Declarations of Members' Interests**
- 3 **Minutes of the Previous Meeting (Pages 1 - 4)**

The minutes of the meeting held on 21 January 2013 are attached.

**RECOMMENDED that the minutes of the Licensing Policy Committee meeting held on 21 January 2013 be agreed and signed by the chair as a correct record.**

- 4 **Minutes of the Licensing Sub Committee meetings held on October 3, 10 & 17, November 21, December 12 & 19 2012, and January 9 & 25 2013, February 6, March 6, April 24, May 14, June 4 & 14 and July 23 & 31 2013**

The minutes of the meetings held on October 3, 10 & 17, November 21, December 12 & 19 2012, and January 9 & 25 2013, February 6, March 6, April 24, May 14, June 4 & 14 and July 23 & 31 2013 are available to view on the council website and can be accessed via the link below:

<http://www.portsmouth.gov.uk/yourcouncil/8249.html>

**RECOMMENDED that the minutes of the Licensing Sub Committee meetings held on October 3, 10 & 17, November 21, December 12 & 19 2012, and January 9 & 25 2013, February 6, March 6, April 24, May 14, June 4 & 14 and July 23 & 31 2013 be agreed as a correct record and signed by the relevant chair.**

- 5 **Scrap Metal Dealers Act 2013 - New statutory powers to licence scrap metal dealers and motor salvage operators (Pages 5 - 16)**

### Purpose

The purpose of this report is to inform members of the introduction of a new licensing regime for the control of scrap metal dealers and motor salvage operators under the Scrap Metal Dealers Act 2013 ("The Act"). This new legislation replaces previous simple registration requirements for scrap metal dealers and motor salvage operators.

This report has been prepared for Licensing Committee, Cabinet and Council for consideration and approval of delegations as, due to legal difficulties in the implementation by central government, tight timescales have been set and until such time as changes are made to the Local Authorities (Functions and Responsibilities) Regulations 2000, this licensing function has yet to be

deemed to be a function which is not the responsibility of an authority's executive.

## **RECOMMENDATIONS**

### **Licensing Committee:**

- (i) ***That the contents of the report are noted:***
- (ii) ***That the Licensing Committee recommends to Cabinet to delegate to the Head of Health, Safety and Licensing:***
- ***The administration and enforcement of the function including the setting of fees;***
  - ***The power to request further information of applicants (schedule 1, paragraph 4 of the Act);***
  - ***To determine applications (including refusal), revoke licenses or to impose conditions under section 3(9) of the Act;***
  - ***The power to issue or cancel a closure notice for unlicensed sites, and, where appropriate, to apply for closure orders (schedule 2 of the Act) and take such other action in this respect as may be required.***
- (iii) ***That the Licensing Committee recommends to Council to delegate the function to the Licensing Committee as and when the power to do so comes into effect in accordance with The Local Authorities (Functions and Responsibilities) (England) Regulations.***

A report by the Licensing Manager is attached.

- 6** **Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 (Pages 17 - 36)**

### **Sex Establishment Licensing - Considerations and Adoption of Standard Conditions**

#### **Purpose**

The purpose of the report is for the Licensing Committee to consider and adopt the proposed standard conditions application to all classes of sex establishments, including minimum standards relating to the formulation of Codes of Conduct for dancers and customers in respect of sexual entertainment venues.

**RECOMMENDED:-**

- a) That the Licensing Committee approve and adopt the standard conditions as set out in Appendix B of this report;***
- b) That the Licensing Committee rescind the existing conditions applicable to sex establishments as sent out in Appendix A; and***
- c) That the Licensing Committee delegates authority to the Head of Health, Safety and Licensing to substitute, delete, vary or amend such conditions at any time.***

A report by the Licensing Manager is attached

- 7 Licensing Act 2003 - Proposed Delegation of Powers to Head of Health, Safety and Licensing - Withdrawal of a Club Premises Certificate (Pages 37 - 42)**

Purpose

The purpose of this report is for the Licensing Committee to consider a proposal to extend powers of delegation to the Head of Health, Safety and Licensing so as to permit the giving of notice under section 90 of the Licensing Act 2003 ("The Act") to withdraw a Club Premises Certificate ("CPC") where a club ceases to satisfy the conditions required to be a qualifying Club in relation to a qualifying club activity.

**RECOMMENDED:**

- a) That the Licensing Committee note the contents of the report;***
- b) That the Licensing Committee delegates responsibility to the Head of Health, Safety and Licensing to give notice under Section 90 of the Licensing Act 2003 to withdraw a Club Premises Certificate where it appears that a Club ceases to satisfy the conditions required to be a qualifying Club in relation to a qualifying club activity.***

A report by the Licensing Manager is attached.

- 8 Licensing Act 2003 - Application for withdrawal of Club Premises Certificate - Big Slick, 240 Fratton road, Portsmouth, PO1 5HH (Pages 43 - 76)**

Purpose

The purpose of this report is for the Licensing Committee to consider the withdrawal of the Club Premises Certificate in respect of the premises known

as the Big Slick and situated at 240 Fratton Road, Portsmouth, PO1 5HH.

**RECOMMENDED:**

- a) *That the Licensing Committee note the contents of the report;*
- b) *That the Licensing Committee give notice to the Secretary of Big Slick Club Premises of the withdrawal of the club premises certificate as it appears to the Licensing Authority that the club does not satisfy the conditions for being a "qualifying club" in relation to a qualifying club activity to which the certificate relates (section 61 of the Licensing Act 2003), namely that the club is unable to demonstrate to the satisfaction of the Licensing Authority that it is being run in good faith in that it has failed to provide sufficient evidence that the general conditions are being met and there are a number of concerns regarding the membership, finances and its overall purpose.*

A report by the Licensing Manager is attached.

<p>These documents are available to view on Portsmouth City Council's website. Search under Your Council/ Council Minutes and Meetings/ Regulatory Committees/Planning Committee</p>
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