

London Borough of Islington

Licensing Committee - 28 February 2011

Minutes of a meeting of the Licensing Committee held at the Town Hall, Upper Street, N1 2UD on 28 February 2011 at 6:00 pm.

Present: Councillors: Raphael Andrews, Wally Burgess, Barry Edwards, Troy Gallagher, Tracy Ismail, Jean-Roger Kaseki and Phil Kelly.

Councillor Wally Burgess in the Chair

35 APOLOGIES FOR ABSENCE (Item A1)

Councillors Joan Coupland, Shelley Coupland, Arthur Graves and Marian Spall.

36 DECLARATIONS OF INTEREST (Item A2)

None.

37 SEX ESTABLISHMENT LICENSING (Item B1)

The Service Director of Public Protection reported on the draft sex licensing policy and proposed fee structure for sex establishment licences.

Mr Hoddinott, representing Robin Norris, owner of the Flying Scotsman and Farid Obeniche, owner of the Platinum Bar spoke against the proposed increase in fees. Glen Nicie, owner of For Your Eyes Only, informed the Committee that he supported the draft policy.

In the discussion the following points were raised:

- The proposed fee structure was based on a full cost recovery basis. Officer and member time had been taken into account when calculating the proposed fees.
- It was noted that applications could take up to 14 weeks to be determined. Determination for sex establishment licences where representations had been received was currently delegated to the Licensing Committee. This may be delegated to Sub-Committees in the future.
- Licences would be granted on an annual basis. If a licence was not renewed prior to the expiry of the licence then the licence would lapse.
- Mr Hoddinott considered that the increase in fees was disproportionate. He reported that enforcement should not be included in the list of fees for recovery and that fees should be based on the size of premises. In response to these comments the legal officer advised that research regarding the implementation of the Provision of Services Regulations had indicated that the enforcement fee could be taken into account in calculating fees. The Committee noted that the amount of officer time spent on an application did not vary according to the size of the premises.
- It was reported that any appeal to the decision made regarding the fees would be through judicial review.
- There were currently 7 sex licence entertainment venues, 3 shops and 3 cinemas in the Borough. The policy set out the authority's intention to limit the number of sex establishments to nil. New businesses would still be able to apply for a licence but would need to demonstrate why the authority should depart from its policy.
- It was noted that, where complaints were received about a premises, these would be taken into account at renewal.
- Where premises ceased trading, or there was a change of ownership, it would be viewed as a new sex establishment application.
- The Committee noted that, under the legislation, premises would not need to apply to the authority for occasional sexual entertainment, up to a maximum twelve times a year, if they already had a licence for the performance of dance,

RESOLVED:

- a) That the Sex Establishment Policy, at Appendix 1, be agreed.
- b) That the proposed fees in paragraph 3.12 of the report, for premises licensed as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982 be agreed, to take effect from 1 April 2011.
- c) That the Standard Conditions for Sexual Entertainment Venues in Appendix 2 be agreed.

38 URGENT NON-EXEMPT MATTERS (Item C)

There were no urgent non-exempt matters.

39 CONFIDENTIAL/EXEMPT MATTERS (Item D)

There were no confidential/exempt matters.

40 URGENT EXEMPT MATTERS (Item E)

There were no urgent exempt matters.

The meeting ended at 6:45 p.m.

CHAIR.