

## **Licensing Committee**

**Meeting held on Thursday 8 September 2016 at 6:30pm in Committee Room F10, the Town Hall, Katharine Street, Croydon CR0 1NX**

### **DRAFT MINUTES - PART A**

Present: Councillor J Avis, Councillor M Bird, Councillor P Clouder, Councillor P Hay-Justice, Councillor M Neal, Councillor A Pelling, Councillor B Quadir, Councillor D Wood, Councillor C Young, Councillor H Ali(Also In attendance)

Also present: James Derby, Corporate Solicitor and Legal Advisor to the Committee

### **MINUTES - PART A**

#### **A1 Minutes of the Licensing Committee**

The Committee **RESOLVED** to approve the minutes of the meetings held on 27 April 2016 and 23 May 2016.

#### **A2 Disclosure of Interest**

There were none.

#### **A3 Urgent Business (if any)**

There was none

#### **A4 Exempt Items**

The Committee **RESOLVED** to agree the allocation of business between Part A and Part B as stated in the agenda.

#### **A5 Minutes of the Licensing Sub-Committee**

The Committee **RESOLVED** to approve the minutes of the last Sub-Committee meetings held on 20 June 2016 and 10 August 2016.

#### **A6 London Local Authorities Act 1990: Application for Street Designation Order**

The Committee received the attached report from the Executive

Director 'Place' and the item was introduced by the Licensing Manager. The Committee were informed that the decision for the Committee to take was whether to designate the site, 46 Church Street CR0 1RB, for the purposes of street trading. If the Committee were inclined to do so, the second determination to consider was whether to grant a street trading licence to the site.

The Applicant was present to answer questions from the Committee. In response to a question from the Committee, the Applicant confirmed that in periods of bad weather, the merchandise on display outside the shop was taken inside.

The Committee **RESOLVED** to designate 46 Church Street CR0 1RB for the purposes of street trading and **grant** a street trading licence to the site.

## A7

### **Sex Establishment Licensing Fee Setting**

The Committee received the attached report from the Executive Director 'Place' and the item was introduced by the Licensing Manager. The Committee were informed that there was no application to consider, the matter for consideration was the fee structure as stated in Appendix 1.

The Committee asked the Licensing Manager a number of questions relating to the report. The Committee were advised that the High Court case of *Hemming v Westminster* referred to in the report was for the Committee to take note of as it established the parameters for a local authority in setting/determining sex establishments fees as this should not include fees for enforcement against unlicensed operators. The judgement was made in 2013 and is currently on appeal at the European Courts. The legal test in settings sex establishment fees is whether the fees proposed are reasonable; the fees should not cover the costs of external matters such as, in that case, enforcement against unlicensed traders. The fee structure proposed is based on an hourly 'on costed' rate for officers involved in the process provided by the Finance department. It is a reflection of the amount of time that has been required for previous applications. The fee for a renewal has reduced and the fee for a new application has risen. Costs for sex establishment licences are the same regardless of what type of establishment is being applied for; all follow the same process. Information on fees charged by other London boroughs was provided to the Committee and ranged from £3,000 (Lambeth) to £21,000 (Greenwich). If the European judgement on *Hemming v Westminster* affects the decision made at today's Committee, the fees can be reconsidered at a future meeting.

The legal advisor for the Committee advised that the statutory requirement is for the local authority to set a "reasonable" fee; benchmarking against other authorities is not a legal requirement.

Councillor Neal proposed, and Councillor Young seconded, that the Committee adopt the fees set out in Appendix 1 of the attached report for the grant, renewal or transfer of a sex establishment licence. The motion was put to the vote.

The following Councillors voted **FOR** the motion: Jane Avis, Margaret Bird, Pat Clouder, Michael Neal, Badsha Quadir, David Wood, and Callton Young.

The following Councillors voted **AGAINST** the motion: Patricia Hay-Justice and Andrew Pelling.

The motion was **CARRIED**.

**A8**

**[The following motion is to be moved and seconded as the “camera resolution” where it is proposed to move into part B of a meeting]**

#### **MINUTES - PART B**

None

The meeting concluded at 7.33pm.