

Minutes of the Licensing Committee

11th November, 2016 at 11.30am
at the Sandwell Council House, Oldbury

Present: Councillor Allen (Chair);
Councillors Dr Crumpton, K Davies, P Davies,
S Davies, Goult, Lewis, Piper and Tranter.

Apology: Councillor Eaves.

10/16 **Minutes**

Resolved that the minutes of the meeting held on 21st September, 2016 be confirmed as a correct record.

11/16 **Establishment of Licensing Panels**

Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub-Committees (referred to by the Council as Panels) to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 may also be discharged by those Panels.

The Licensing Act 2003 specified that each Sub-Committee (Panel) shall consist of three members of the Licensing Committee. The Council at its meeting on 19th July, 2016 appointed a Licensing Committee comprising 12 members. At its meeting on 29th July 2016, the Licensing Committee established four Licensing Panels for the 2016/17 municipal year, consisting of three members each.

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It had become necessary to make changes to the membership of committees/boards due to diary commitments and, at its meeting on 18th October 2016, Council gave consideration to the appointment of members to committees/boards. At that meeting, one member had been replaced on the Licensing Committee and an additional member had been appointed to fill a previously vacant position.

The Committee gave consideration to revised Licensing Panels for the remainder of the 2016/2017 municipal year.

Resolved that, further to Minute No. 7/16 of the Licensing Committee held on 29th July 2016, the following members be appointed to Licensing Panels for the remainder of the 2016/17 municipal year:-

Panel 1

Councillor Allen (Chair);
Councillors Piper and Tranter.

Panel 2

Councillor Allen (Chair);
Councillors K Davies and Lewis.

Panel 3

Councillor Allen (Chair);
Councillors S Davies and Frear.

Panel 4

Councillor Piper (Chair);
Councillors P Davies and Goult.

12/16

Revision of Sex Shop Licence Conditions

The grant, renewal and transfer of sex establishment licences was subject to the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

At its meeting on 11th June 2014, the Council transferred the functions in relation to sex establishment venues and sex shop licences from the Licensing (Miscellaneous) Committee to the Licensing Committee. The Committee, in turn, delegated this responsibility to the Licensing Panels that it established to consider individual licence issues.

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The Sex Shop Licence Conditions document outlined terms and conditions in respect of a sex establishment licence. The conditions were outdated and in need of review. At a recent Licensing Panel concern was expressed in relation to section 15 and reference to video tapes. The Panel considered that the wording should be updated to take into account all pre-recorded media and the conditions had now been updated to reflect this.

Resolved that the revised Sex Shop Licence Conditions, as attached at Appendix 1, be approved.

(The meeting ended at 11.37am)

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SEX SHOP LICENCE CONDITIONS

- 1 (a) "The Council" means the Council of the Metropolitan Borough of Sandwell and where a function has been delegated to a Committee of the Council or to any Sub-Committee of the Committee, the Committee or Licensing Committee to whom the exercise of the function is delegated.
- (b) "The premises" means the premises described above in respect of which this licence is granted.
- (c) "The Act" means the Local Government (Miscellaneous Provisions) Act 1982.
- 2 This Licence is granted in respect of a sex shop only as defined in the Act and the premises shall not be used as a sex cinema as defined in the Act without the issue of a further licence by the Council.
- 3 (i) Subject to condition 14 below, the premises shall not be opened or used for the purpose for which the licence is granted before the hour of 9.00am in the morning or after the hour of 6.00pm in the afternoon of any weekday including Saturday.

(ii) The premises shall not be opened on Sundays, Good Friday, or Christmas Day or any other general or public holiday.
- 4 No refreshment of any kind shall be served or sold to or consumed by customers or potential customers visiting the premises or to or by any person thereupon other than bona fide staff employed upon the premises.
- 5 Any facilities for previewing pre-recorded media or other similar material hereinafter referred to as "the preview area" shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
- 6 The licensee or any person acting or purporting to act on his behalf shall be responsible for ensuring that the conditions of the Licence are complied with and will be held responsible for any breach thereof.
- 7 Admission shall be given at all reasonable times to the Police and to authorised officers of the Council.
- 8 No person under the age of 18 shall be admitted to the premises at any time.
- 9 No person under the age of 18 shall be employed in the business carried out at the premises.
- 10 (i) The interior of the premises shall not be visible to passers by and the licensee shall obscure all windows and doors in a colour and manner satisfactory to the Council;

- (ii) The windows, doors, fascia board and all external parts of the premises including the roof shall not contain any form of writing, sign or display, except for:
 - (a) the address of the premises;
 - (b) the name of the premises;
 - (c) a notice, which shall be displayed in a prominent position on each entrance to the premises so as to be readily visible to any person approaching the premises with a view to entering therein but without their having so to enter containing the wording as prescribed by Section 1(6) Indecent Displays Control Act 1981, which is as follows:-

WARNING

Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to person under 18 years of age.

- (d) a notice stating the opening hours of the sex shop;
and
- (e) the wording "Private Shop" or "Adult Shop" but no other indication as to the nature of the business carried on at the premises **unless an alternative name has been specifically approved by the Licensing Committee in writing.**

(iii) In the case of items Nos. 10 (ii) (a),(b),(c),(d) and (e) the lettering used shall be of such colour and style as may be approved by the Council. In the case of items Nos. 10(ii) (a),(b) and (e) the lettering shall not exceed one foot in height for each letter.

- 11 No alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the licensee shall first obtain the written consent of the Council.
- 12 (i) The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses and dates of birth of all persons employed at the premises whether upon a full or part time basis and shall upon request by an authorised officer of the Council make such records available for inspection to him,
 - (ii) The licensee shall at all times provide the Council with written notification as to the names, addresses and dates of birth of such person or persons whether employees or otherwise connected with the business who have authority to manage the premises in the licensee's absence.

- 13 The Council may at any time waive, modify or vary these conditions or impose additional restrictions in any particular case.
- 14 [*Insert opening hours for individual premises*] (see condition 3)]
- 15 All pre-recorded media sold or offered for sale or hire at the premises must:-
- (a) have a valid British Board of Film Classification Certificate and be marked accordingly, excluding those which are exempt from certification.
 - (b) be labelled on the media, packaging and any related promotional material only with the title under which the British Board of Film Classification Certificate was issued.
 - (c) not display any pictorial material which did not form part of the pre-recorded media itself, unless the front of the media cover contains a sticker, of the size agreed with the Licensing Authority, which states the following disclaimer:-
“The cover of this media does not necessarily depict the film within”