

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS:</b> All
<b>REPORT TITLE:</b> Amendments to the Terms of Reference and Hearing Procedures of the Licensing Panels	
<b>REPORT OF:</b> Borough Solicitor	
<b>FOR SUBMISSION TO:</b> Licensing Committee Audit and Corporate Governance Committee Council	<b>DATE:</b> 6 <sup>th</sup> July 2022 17 <sup>th</sup> November 2022 21 <sup>st</sup> November 2022
<p><b>SUMMARY OF REPORT</b></p> <p>This report asks Members to consider and approve changes to the Terms of Reference and Hearing Procedures for Licensing Panels to allow them to determine applications for alcohol licences and sex establishment licences.</p> <p><b>LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION:</b> No documents that require listing have been used in the preparation of this report.</p> <p><b>CONTACT OFFICER:</b> Andrew Maughan Borough Solicitor Town Hall Judd Street London WC1H 9JE Tel: 020 7974 5656 Fax: 020 7974 5837 E-mail: andrew.maughan@camden.gov.uk</p>	
<p><b>RECOMMENDATIONS</b></p> <p><b>That the Licensing Committee ask the Audit and Corporate Governance Committee to recommend the following to Council:</b></p> <ul style="list-style-type: none"> <li>i) That the terms of reference of the Licensing Sub-Committees (known as Licensing Panels) be amended as set out at <b>Appendix A</b> to allow Panels to determine applications made under the Local Government (Miscellaneous Provisions) Act 1982 for the grant, renewal, transfer, variation or revocation of sex establishment licences</li> <li>ii) That the hearing procedures of the Licensing Sub-Committees (known as Licensing Panels) be amended as set out at <b>Appendix B</b> to incorporate the procedure for the hearing of applications made under the Local Government (Miscellaneous Provisions) Act 1982 for the grant, renewal, transfer, variation or revocation of sex establishment licences.</li> </ul> <p><b>That the Audit and Corporate Governance Committee recommend to Council:</b></p> <ul style="list-style-type: none"> <li>i) That the terms of reference of the Licensing Sub-Committees (known as Licensing Panels) be amended as set out at <b>Appendix A</b> to allow Panels to determine applications made under the Local Government (Miscellaneous</li> </ul>	

- Provisions) Act 1982 for the grant, renewal, transfer, variation or revocation of sex establishment licences
- ii) That the hearing procedures of the Licensing Sub-Committees (known as Licensing Panels) be amended as set out at **Appendix B** to incorporate the procedure for the hearing of applications made under the Local Government (Miscellaneous Provisions) Act 1982 for the grant, renewal, transfer, variation or revocation of sex establishment licences.

**That Full Council agree**

- i) That the terms of reference of the Licensing Sub-Committees (known as Licensing Panels) be amended as set out at **Appendix A** to allow Panels to determine applications made under the Local Government (Miscellaneous Provisions) Act 1982 for the grant, renewal, transfer, variation or revocation of sex establishment licences
- ii) That the hearing procedures of the Licensing Sub-Committees (known as Licensing Panels) be amended as set out at **Appendix B** to incorporate the procedure for the hearing of applications made under the Local Government (Miscellaneous Provisions) Act 1982 for the grant, renewal, transfer, variation or revocation of sex establishment licences.

**SIGNED:**



**DATE: Friday 24 June 2022**

## **1 Purpose of Report**

- 1.1 Members are asked to consider proposed changes to the terms of reference and Hearing Procedures of the Licensing Sub-Committees (known as Licensing Panels) to allow them to determine applications made under the Local Government (Miscellaneous Provisions) Act 1982 for the grant, renewal, transfer, variation or revocation of sex establishment licences.
- 1.2 Members are then asked to refer the procedures to the Audit and Corporate Governance Committee and Full Council with the recommendation that they are adopted as part of the Constitution.

## **2 Background**

- 2.1 On 28 February 2011, the London Borough of Camden resolved to adopt powers that came into force on 6 April 2010 under the Policing and Crime Act 2009. These powers amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to create a new category of sex establishment called a sexual entertainment venue. This resolution came into effect on 1 November 2011.
- 2.2 Following adoption of these powers the Council approved and adopted a Sex Establishment Policy on the 7<sup>th</sup> November 2011.
- 2.3 The Policy states at paragraph 74. *“All applications for sex establishment licences shall be considered by a Licensing Panel, regardless of whether there have been objections to the grant, renewal, transfer or variation of the licence. The Licensing Panel shall consist of at least three elected Members of the Council who are also members of the Licensing Committee”*.

## **3 Overview of the Hearing Procedures for Licensing Sexual Entertainment Sub Committee**

- 3.1 At a meeting of the Licensing Committee on 20<sup>th</sup> June 2012 Members approved the makeup of the Licensing (Sexual Entertainment Venues) Sub-Committee that would consider and determine applications for the grant, renewal, transfer, variation or revocation of sex establishment licences.
- 3.2 It was further determined that a politically balanced group would consist of 5 members of the Licensing Committee with a quorum of 2 members present required to vote on an application.

## **4 Proposed changes**

- 4.1 The SEV Sub-Committee has worked well since inception and has dealt with all applications for SEV renewals since October 2012. However, at times the workload of this sub-committee has been onerous and difficulties have been

experienced in achieving a quorum of Members to hear these applications in a timely way.

4.2 Thus, in order to spread the workload of this sub-committee and ensure that a wider group of Members have the knowledge and expertise to consider these applications, as well as ensuring that applications are able to be heard in a timely fashion, it is considered that the responsibility for determining these applications would better sit within the existing Licensing Panels, alongside their responsibility for determining applications made under the Licensing Act 2003 and the Gambling Act 2005.

4.3 It is therefore proposed to incorporate the responsibility for determining these applications within the terms of reference of the Licensing Panels, as per the amendments set out at **Appendix A** and highlighted in blue for ease of reference. The Hearing Procedures will also require amendment to incorporate the procedure for hearing these applications into the Panel procedures, as set out at **Appendix B** and highlighted in blue for ease of reference.

## **5 Comments of the Borough Solicitor**

5.1 This is a report of the Borough Solicitor who has no further comments to make.

## **6 Comments of the Director of Finance**

6.1 There are no material financial implications concerning this report. The Director of Finance has been consulted in the preparation of this report and has no comments to add.

## **7 Environmental Implications**

There are no environmental implications from these proposals.

## **8 Appendices:**

**Appendix A** Licensing Sub-Committee Amended Terms of Reference

**Appendix B** Licensing Sub-Committee Amended Hearing Procedures