

Minutes of a Meeting of the General Licensing Committee held in Council Chamber 3, Tedder Hall, Manby Park, Louth on Monday, 9th December, 2019 at 2.00 pm.

PRESENT

Councillor Stan Avison (Chairman)
Councillor Sandra Campbell-Wardman (Vice-Chairman)

Councillors David Andrews, Billy Brookes, Sarah Devereux, Neil Jones, Andrew Leonard, Claire Newman and Tony Howard attended the Meeting as a Substitute.

OFFICERS IN ATTENDANCE:

Martha Rees	- Legal Representative
Adrian Twiddy	- Principal Licensing Officer
Neil Brooks	- Licensing Compliance Officer
Emma Thompson	- Democratic Services Officer

Also in Attendance:

Mr. Michael Kheng	- Kurnia Licensing Consultants
Mr. Tajinder Singh	- Asak Leisure Limited
Mr. Craig Cresswell	- Asak Leisure Limited

19. APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillors Horton and Turton-Leivers.

It was noted that, in accordance with Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, notice had been given that Councillor Howard had been appointed to the Committee in place of Councillor Cullen, for this Meeting only.

20. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the Meeting, Members were invited to disclose any relevant interests. The following interests were disclosed:

Councillors Leonard and Newman requested it be noted that they were personal licence holders.

Councillor Howard requested it be noted that he had known Mr. Michael Kheng, who would be representing one of the applicants, for a number of years and that he had once rented a building for him, although he no longer had any business contact with him.

Councillor Leonard requested it be noted that he also knew Mr. Kheng.

21. MINUTES:

The Open and Exempt Minutes of the General Licensing Committee held on 21 October 2019 were confirmed and signed as correct records.

22. APPLICATION FOR A RENEWAL AND TRANSFER OF A SEXUAL ENTERTAINMENT VENUE LICENCE - LA SEDUCTION, GRAND PARADE LEISURE COMPLEX, SKEGNESS, PE25 2UN:

A report was presented by the Service Manager, Public Protection that provided Members with information about applications made for the transfer and renewal of a Sexual Entertainment Venue (SEV) licence under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009). The licence application had been made by Asak Leisure Limited in respect of the premises known as La Seduction, Lower Ground Floor, Grand Parade, Leisure Complex, Skegness, PE25 2UN. The purpose of the report was to assist the Committee in determining the outcome of the licence applications.

The East Lindsey District Council, (ELDC), Licensing Policy stated that SEV applications should be determined by the General Licensing Committee and Members noted that the fact that the application had been presented to Committee was no reflection on the venue itself.

The Principal Licensing Officer outlined the options available to Members, detailed at Page 1, Paragraph 2 of the report presented. It was highlighted that, if the application was approved, it would be subject to ELDC's standard conditions for SEV's. However, the Legal Advisor had noted a discrepancy between the condition regarding CCTV retention proposed by the applicant for La Seduction and the standard ELDC condition. The standard SEV licence conditions had been reviewed earlier in 2019 and, if the application presented was approved, the amended licence conditions would be included on the SEV licence for La Seduction.

There were no concerns regarding the location of the venue and no issues had been reported. The ELDC SEV Licensing Policy stated that private performance areas would not normally be permitted in SEV's unless officers were confident that there would be no issues for the performers. Members noted that officers were satisfied with the provisions that were in place for private performance areas, although this should be considered every time the application was reviewed.

In accordance with Paragraph 6.9 of the report presented, (Supplementary Agenda page 8), Mr. Kheng, the applicant's licensing consultant, had provided proof of the employees of La Seduction's right to work in the UK and the daily log that was used. In addition, Members noted that, in accordance with Paragraph 6.10 of the report presented, (Supplementary Agenda page 8), a written copy of the Safety Policy for the venue had been provided for the premises and proposed Condition 26, regarding physical contact, had been re-worded, (Paragraph 6.11 refers, Supplementary Agenda page 9).

The Principal Licensing Officer reminded attendees that, although the licence renewal application fee was currently set at £200, application fees were under review and the fee may have increased when the next licence renewal application was submitted for the venue.

The Chairman thanked the Principal Licensing Officer and invited the Licensing Compliance Officer to provide the Committee with information regarding the compliance visit that he had carried out at the premises.

The Licensing Compliance Officer informed Members that, prior to being asked to carry out the compliance visit, he had been unaware whether the premises had opened yet as he had received no feedback about it. Local police had been consulted and had confirmed that no issues had been raised with the premises and there were no structural concerns. Members noted that the only issue that the Licensing Compliance Officer had discovered at the premises during his visit had related to a sign stating that individuals under 18 years of age were not permitted in a certain area. However, Members were informed that this had now been rectified and individuals under 18 years of age were not permitted in the premises when it was open. Employees' right to work in the UK was also being checked by the owners.

It was highlighted that the private booths that were provided at the premises were designed to protect employees and performers and that large panic buttons were in place in the booths. The Licensing Compliance Officer informed Members that he did not have any concerns regarding the private booths.

The Chairman thanked Mr. Brooks and invited Mr Kheng and Mr. Singh, the applicant and his licensing consultant, to address the Committee.

When addressing the Committee, Mr. Kheng and Mr. Singh highlighted the following information:

- Mr. Singh was the sole director for La Seduction and Mr. Cresswell was the manager;
- There were currently 2 SEV licences in East Lindsey, both held by Mr. Singh, although Mr. Singh did not intend to apply to renew the licence for the other venue, known as Desire, when it expired;
- There had been no issues created by La Seduction since it opened in March 2019;
- The premises was located in the lower basement of Grand Parade in Skegness and there were currently several floors above it, although more were being added with the aim of creating a destination venue containing a variety of different premises in one building;
- All premises within Grand Parade employed doormen;
- Mr. Singh had operated licensed premises in Skegness for approximately 13 years and had invested significantly in the Grand Parade complex;

- As the premises was located in the basement, there was no opportunity for advertising on the external walls;
- Customers were checked before entering the Grand Parade complex and were checked again before entering La Seduction;
- A hatch was in place at the entrance to the premises to enable doormen to view customers before entering customers were informed of the rules of the premises before entering, also;
- There was CCTV in operation in the private booths, they were open to view and doormen were located close to them;
- When the panic buttons in the private booths were pressed, high intensity lights flashed to alert doormen;
- Mr. Singh had received positive feedback from visitors to the premises and considered that the complex would be an exciting development for Skegness;
- Mr. Singh considered the safety and enjoyment of customers at the premises to be of prime importance.

Mr. Kheng went on to request that the standard condition for CCTV retention for La Seduction be amended to request that CCTV be retained for 28 days, rather 31 as stated at standard condition 29 of ELDC's standard licence conditions for SEV's, (Supplementary Agenda page 21). Members noted that the standard requirement for CCTV retention was normally 28 days and that all other premises in the complex were required to retain their CCTV footage for 28 days.

(The Principal Licensing Officer, Mr. Singh, Mr. Cresswell and Mr. Kheng left at 2.26pm).

Clarification was sought regarding the CCTV retention timescale. The Legal Advisor confirmed that, although there was no legal issue with setting the CCTV retention schedule at 28 days for La Seduction, the standard ELDC conditions for SEV's stated that the CCTV retention schedule for SEV's should be 31 days.

Members considered that no issues had been raised with La Seduction and it was agreed that, if approved, the condition should state that CCTV footage should be retained for 28 days, rather than 31 days.

Further clarification was sought regarding the date and time of the recent compliance inspection at La Seduction. Members noted that the inspection had taken place on the morning of Wednesday 4 December 2019. In response to concerns raised regarding the fact that the inspection had been carried out in the morning, Members were assured that future inspections would be carried out when the premises was in operation at a later time.

The Legal Advisor confirmed that regular reviews of the ELDC Licensing Policies were scheduled throughout the year and the CCTV retention condition for SEV premises could be amended when the Policy was next reviewed if Members wished to do so.

Following further discussion, it was proposed and seconded that the transfer and licence renewal applications be granted, including an amendment to standard condition 29, stating that CCTV footage for the premises should be retained for 28 days and that private booths should be permitted.

(The Principal Licensing Officer, Mr. Singh, Mr. Cresswell and Mr. Kheng entered at 2.44pm).

The Legal Advisor read the decision of the Committee to attendees.

RESOLVED

That the transfer and licence renewal applications submitted by Asak Leisure Limited in respect of the SEV licence for La Seduction at the Grand Parade Leisure Complex, Skegness, PE25 2UN, be granted for the statutory period of one year, subject to this Authority's standard SEV licence conditions – including a varied standard condition 29 stating that CCTV recordings should be kept available for a minimum period of 28 days and the provision of private performing areas at the venue subject to the arrangements, supervision and safety arrangements described in the licence application, detailed in the applicant's operating schedule and shown on the plan attached to the licence application.

(The Licensing Compliance Officer, Mr. Singh, Mr. Cresswell and Mr. Kheng entered at 2.46pm).

23. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATION AND LICENSING POLICY:

A report was presented by the Service Manager, Public Protection that enabled Members to consider responses received following a six week consultation issued to the licensed trade and other interested parties regarding proposed amendments to the Hackney Carriage and Private Hire Vehicle Specification and Licensing Policy, and whether they wished to adopt the revised Hackney Carriage and Private Hire Vehicle Specification and Licensing Policy following the consultation.

Members noted that the current Hackney Carriage and Private Hire Vehicle Specification and Licensing Policy had been introduced in 2005 and that a full review of the Policy had not been carried out since then, although individual sections had been amended.

(The Licensing Compliance Officer entered at 4.47pm).

One response had been received to the consultation, from Mr. D. Blackburn on behalf of the Skegness Taxi Owners Association, (STOA). The Principal Licensing Officer informed Members that one of the areas addressed within the consultation was vehicle emissions and whether the Policy should be amended to try to reduce them. Members noted that, although Mr. Blackburn's response to the consultation did not object to

this, he did not believe that the age of vehicles should be taken into account, but their CO2 emissions, in accordance with Driver and Vehicle Licensing Agency (DVLA) procedures. The Principal Licensing Officer suggested that, if Members wished to approve the proposed amended Policy, they may request officers from the Licensing Team to propose amendments to deal with emissions which would then be submitted to the Committee for approval and issued for consultation.

Reference was made to Paragraph 2.9 of the report presented, (Agenda page 29). Members noted that a further proposed amendment to the Policy was the inclusion of the requirement for all seats in hackney carriage vehicles to be unobstructed and easily accessible to passengers, with a minimum width of 400mm specified for any gap that an average sized adult may be required to pass through. Members noted that this amendment had been made following incidents in which vehicles that had been granted hackney carriage licences had been found to be difficult to access for tall people, although they had appeared to be suitable when inspected.

Mr. Blackburn's consultation response stated that seating in hackney carriage vehicles should be arranged in line with the vehicle manufacturer's recommendations. However, the Principal Licensing Officer informed Members that hackney carriage vehicles in London were required to provide direct access and other local authorities also included this requirement within the hackney carriage vehicle specifications. It was highlighted that, if Members approved the proposed amendment regarding seat widths, tip up seats would be permitted in private hire vehicles, although not in hackney carriage vehicles. This was due to the fact that private hire vehicles could be booked in advance, providing members of the public with an opportunity to make requests regarding accessibility when they made their booking.

Members noted that applications had been received for vehicles with heavily tinted rear passenger windows to be used as hackney carriage vehicles in the past and it was highlighted that this was not permitted within the current Policy. This was due to the fact that it was considered unsafe for members of the public, who could flag hackney carriage vehicles from the roadside, if they were unable to see into the rear of the vehicle.

The Principal Licensing Officer concluded by informing Members that the issues that he had highlighted were the only issues raised in the consultation response received from Mr. Blackburn. Members were advised that, if they opted to approve the amended Policy, they must decide when they wished for it to come into effect and whether they wished for officers from the Licensing Team to investigate how vehicle emissions could be managed and report this back to the Committee.

Clarification was sought regarding the level of tint permitted for rear passenger windows in hackney carriage vehicles. The Principal Licensing Officer and Licensing Compliance Officer informed Members that the

requirements for the level of tint in the front windscreen and front driver and passenger windows were set in line with DVLA requirements. It was highlighted that it was difficult to buy a modern vehicle without tinted rear passenger windows, which was often provided as standard when the vehicles were purchased. Reference was made to Paragraph 2.2.29 of the proposed Policy, (Agenda page 41). Members noted that the current Policy stated that the visual transmission of light from the rear passenger windows of a hackney carriage vehicle must be no less than 70%. However, Members noted that both the Principal Licensing Officer and Licensing Compliance Officer considered that it would be safe to reduce this from 70% to 60% or allow officers to decide when the vehicle was checked.

A discussion was held regarding the proposed amendment to the level of tint permitted for rear passenger windows. It was considered that, if vehicles could be purchased with no less than 70% visual light transmission, then individuals wishing to licence their vehicle as a hackney carriage should purchase one of those vehicles and adhere to the current Policy. The Legal Advisor reminded Members that the policy had not been fully reviewed for a considerable time and that when they considered this issue, they should consider the benefits to drivers as well as public safety. In addition, the Legal Advisor informed Members that, if they wished to amend the Policy, they should agree the level of visual light transmission and not allow officers to exercise discretion when inspecting vehicles, as their decisions may be open to challenge.

During discussion regarding the proposed amendments to the Policy, the following information was highlighted:

- The Principal Licensing Officer and Licensing Compliance Officer tested light levels from windows within vehicles seeking hackney carriage vehicle licences with specialist equipment;
- Tinted glass in rear passenger windows may cause safety concerns for members of the public as they would not be able to see into the rear of vehicles before entering them;
- The DVLA identified the requirement for the visual transfer of light from the front windscreen and front driver and passenger windows of all vehicles and the Licensing Team must adhere to this when granting hackney carriage licences;
- A number of hackney carriage drivers had been required to change the rear passenger windows of their vehicles as the vehicles had a lower visual transmission of light than stated within the Policy;
- It was still possible to see through the rear passenger windows with a 60% visual transfer of light;
- If approved, the amendment to the Policy regarding the visual transfer of light would continue to ensure public safety, whilst lowering the cost for hackney carriage drivers;
- The level of visual light transmission could be affected by weather conditions;
- Some vehicles had blinds in the rear;

- Most vehicles licensed for use as hackney carriage in East Lindsey were in line with the current Policy regarding visual light transmission, although some had been modified to ensure that their rear passenger windows allowed suitable levels of light through;
- Higher specification vehicles often included tinted rear passenger windows as standard and some hackney carriage drivers preferred higher specification vehicles as they spent a significant amount of time in them.

Members agreed that the level of visual light transfer identified for hackney carriages within the Hackney Carriage and Private Hire Vehicle Specification and Licensing Policy should be amended from 70% to 60%.

Following further discussion, it was agreed that, in addition to this, the following amendment should be included in the wording of this section:

'...acknowledging industry standards in allowing...'

Members considered that emissions were an important issue and should be included within the Policy and requested that a date be identified for officers to provide further information with regard to how emissions could be measured. The Principal Licensing Officer confirmed that a report regarding emissions could be provided to the General Licensing Committee Meeting scheduled to be held on 2 March 2020.

In response to a query raised, the Legal Advisor highlighted that setting specific carbon emission levels or requesting that owners replace old vehicles with more environmentally friendly vehicles when they bought new vehicles may be considered overly onerous for vehicle owners. The Principal Licensing Officer advised that the Policy should focus on the emission levels and age of vehicles.

Following further concerns raised, the Principal Licensing Officer informed Members that, previously, there had been a limit to the number of hackney carriage licences permitted in East Lindsey. This had now been lifted although ELDC Policy now stated that all hackney carriage vehicles granted licences over the limit that was previously set must be wheelchair accessible. Members noted that, many wheelchair accessible hackney carriage licence holders bought their vehicles from cities where they had previously been used for the same purpose and where licence holders were being encouraged to obtain more environmentally friendly vehicles. The Principal Licensing Officer and Licensing Compliance Officer raised concerns that the vehicles that were being purchased from cities were often diesel vehicles and may have higher emission levels. However, Members also noted that nearly one third of the hackney carriage vehicles within East Lindsey were wheelchair accessible and that this was a significant amount compared to other Lincolnshire areas.

Members agreed that the proposed amendment regarding the seat size and accessibility within hackney carriage vehicles be accepted.

Clarification was sought regarding the standard gap between seats and seat size in vehicles. The Principal Licensing Officer confirmed that he had not been able to uncover a standard size of gap between seats. However, it was highlighted that, if the amendment regarding the proposed gap between seats was approved, drivers would be required to check that vehicles met this requirement in the future prior to purchasing. In response to a further query, Members noted that the intention of the Policy was to ensure that there was a gap of 400mm between the two lines of seats in vehicles with multiple rows of seats to enable passengers to easily access their seats.

It was proposed and seconded that the proposed Hackney Carriage and Private Hire Vehicle Specification and Licensing Policy, detailed at Appendix A to the report presented, (Supplementary Agenda pages 33 – 62), including all proposed amendments, be approved.

RESOLVED

1. That the Hackney Carriage and Private Hire Vehicle Specification and Licensing Policy, licence conditions and vehicle specifications attached at Appendix A to the report presented, be approved to come into force with immediate effect;
2. That Officers be requested to investigate ways in which the licensing regime could be used to reduce hackney carriage and private hire vehicle emission levels and that a report be presented to the General Licensing Committee for consideration in March 2020.

24. APPLICATION FOR ANIMAL ACTIVITY LICENCE (DOG BREEDING):

The Principal Licensing Officer informed Members that this application had been withdrawn from the Agenda pending the outcome of a planning application which, if approved, would address some of the concerns raised by the Licensing Team.

The Meeting closed at 3.36 pm.