

Coventry City Council
Minutes of the Meeting of Licensing and Regulatory Committee held at 9.30 am
on Tuesday, 7 January 2020

Present:

Members: Councillor C Thomas (Chair)
Councillor J Birdi
Councillor J Clifford
Councillor B Gittins
Councillor B Kaur
Councillor R Lakha
Councillor G Lloyd
Councillor A Lucas
Councillor G Ridley
Councillor R Thay

Employees (by Directorate):

Place: D Blackburn, D Cahalin-Heath, R Hammond, A Harwood, C Sinclair

Apologies: Councillor F Abbott, J Innes, T Mayer and S Walsh

Public Business

74. Declarations of Interest

There were no declarations of interest.

75. Minutes

The minutes of the meeting held on 10 December 2019 were signed as a true record.

76. Exclusion of Press and Public

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the items of business indicated below on the grounds that those items involve the likely disclosure of exempt information, as defined in Schedule 12A of that Act, in particular those paragraphs of Part 1 of the Schedule as indicated:

| Minute No. | Subject | Relevant paragraphs of Part 1 of Schedule 12A |
|-------------------|---------------------------------------|--|
| 81 | Food containing non-declared allergen | 7 |

77. Outstanding Issues Report

There were no outstanding issues.

78. Fee Setting for Sex Establishment Licence (Waiver) and Hypnotism Licence

The Committee considered a report of the Deputy Chief Executive for Place which informed the Committee of legislative powers to enable fee setting for Sex Establishment Licence Waivers and inform the Committee of legislative powers to enable fee setting for an application to hold a performance of Hypnotism and the proposed fee.

In February and April 2019 reports were presented to the Licensing and Regulatory Committee - one to approve the grant of an application to waive the requirement for a Sex Establishment Licence and the other to grant an application for a performance of hypnotism in the Local Authority area. Both applications were approved.

A recommendation was made by the Committee in February 2019 to investigate the possibility of charging a fee to cover the administration costs of dealing with an application for a waiver as the current practice was not to charge. Officers also raised the issue of no fee being charged for applications for Hypnotism performances.

Officers had subsequently conducted an investigation in respect of setting fees to grant a waiver from the requirement to hold a Sexual Establishment Licence and a licence under the Hypnotism Act 1952 and the report provided an overview of the legislative requirements to be considered alongside the proposed fees.

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made provision for the Council to grant a waiver from the requirement to hold a Sex Establishment Licence in any case where it considered that, to require a licence, would be unreasonable or inappropriate. A waiver may be for such a period as the Council thought fit. Such applications must be considered by the Licensing & Regulatory Committee.

Section 2(1) of the Hypnotism Act 1952, states that no person shall give an exhibition, demonstration or performance of hypnotism on any living person, or in connection with an entertainment to which the public are admitted, whether on payment or otherwise at any place, unless the Licensing Authority has authorised that exhibition, demonstration or performance.

The overriding purpose of the licensing regime was to protect the public, and to protect and support business practices. The Council had the power to set fees for certain licensing regimes and the Local Government (Miscellaneous Provisions) Act 1982, and the Hypnotism Act 1952, gives Councils the power to set their own local fees that will enable it to recover its reasonable costs.

RESOLVED that the Committee:

- 1. Approve the proposed fee for:**

- a. **An application to waive the requirement to hold a Sex Establishment Licence**
- b. **An application for the Performance of Hypnotism within the Local Authority area**

2. **Authorise the Head of Planning and Regulation to conduct an annual review of the fees and, where appropriate, amend if necessary.**

79. Report of Recent Prosecutions: 8 August 2019 - 18 December 2019

The Committee considered a report of the Deputy Chief Executive of Place which provided an update on prosecutions authorised by Licensing and Regulatory committee that have concluded at Court between 8 August 2019 and 18 December 2019.

RESOLVED that the report be noted.

80. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of public business.

81. Food containing non-declared allergen

RESOLVED that, having considered a report of the Deputy Chief Executive (Place):

1. **The Council Solicitor be authorised to institute legal proceedings under the Food Safety and Hygiene (England) Regulations 2013, the Food Safety Act 1990 and the Consumer Protection from Unfair Trading Regulations 2008 against appropriate persons in respect of the supply of food with an undeclared allergen supplied by Jam Jar, 159 Corporation Street, Coventry, CV1 1GU.**
2. **That authority be delegated to the Director (Streetscene and Regulatory Services) to authorise legal proceedings for any further offences which may come to light before the case under consideration has been resolved in court.**

82. Any other items of private business which the Chair decides to take as matters of urgency because of the special circumstances involved

There were no other items of private business.

(Meeting closed at 10.10 am)