

Time commenced – 6.00pm  
Time finished – 7.46pm

**GENERAL LICENSING COMMITTEE  
WEDNESDAY 15 OCTOBER 2008**

Present: Councillor Baxter (Chair)  
Councillors Banwait, Berry, Hussain, Leeming, Lowe, Poulter,  
Rawson, Richards and Skelton

**07/08 Apologies**

Apologies for absence were received from Councillors Hird, Redfern and Williams.

**08/08 Late items introduced by the Chair**

There were no late items.

**09/08 Declarations of Interest**

There were no declarations of interest.

**10/08 Minutes of the Previous Meeting**

The minutes of the meeting held on 9 July 2008 were approved as a correct record and signed by the Chair.

**11/08 Scrutiny Management Commission's Review of  
the Council's Licensing Policy**

The Committee considered a report from the Director of Environmental Services on Scrutiny Management Commission's Review of the Council's Licensing Policy. At its meeting on 15 July 2008, Council considered a Motion put forward by Councillor Hickson and resolved to call on the Licensing Committee to launch an urgent and major review of the Council's Licensing Policy and to involve the relevant Overview and Scrutiny Commission in the review. When SMC met on 29 September 2008 they considered a report that set out the possible scope of a scrutiny review of the Council's Licensing Policy.

Councillor Hickson addressed the Committee and informed them of the Police Federations evidence submitted to the Commons Culture, Media and Sport Committees inquiry into the Licensing Act. It was reported that the Act was having a detriment on an already over-stretched police service and that there

were resource issues dealing with under age drinking / binge drinking and drink fuelled disorder. It was noted that the Wine and Spirit Trade Association had also published a review stating that the existing licensing laws were not properly being enforced. It was suggested that evidence should be gathered from partners.

Councillor Poulter raised concerns that many of the issues that needed addressing were a resource issue and this caused implications when collating evidence for Sub Committees.

It was suggested that a cross party working group be set up from both Committees. The Licensing Committee would need to review the Policy and the Scrutiny Management Commission would review the enforcement of the policy.

**Resolved that General Licensing Committee convenes a Cross Party Working Group to review the Licensing Policy of which Councillors Berry, Rawson and Winter would be members. The group will present its findings within the next six months. Scrutiny Management Commission will also convene a Cross Party Working Group to look at the enforcement of the Licensing Policy of which Councillors Graves, Webb and a member from the Liberal Democrats Party would be members.**

## 12/08 Opening Hours of Licensed Sex Shops

The Committee considered a report from the Director of Environmental Services on Opening Hours of Licensed Sex Shops. The Council had recently received two requests from licensed sex shops to open on a Sunday. The first related to opening every Sunday like other retail premises, the second related to opening on the two proceeding Sundays prior to Christmas Day each year. In order to trade, a sex shop must have a Sex Establishment Licence which is issued by the Council, and which is subject to a set of standard conditions. In Derby currently, there were three businesses that hold such a licence. The standard conditions cover a number of areas, including opening hours. Currently, the conditions that relate to opening hours state:

5. *Except with the previous consent of the Council, the premises shall not be open to the public before 9.00am and shall not be kept open after 11.00pm.*
6. *Except with the previous consent of the Council, the premises shall not be open on Sundays, Christmas Day or Good Friday.*

### **Resolved**

- 1. To refuse both applications from licensed sex shops to allow Sunday opening.**

## 13/08      Pet Animals Act 1951 As Amended By The Pet Animal Act 1951 (Amendment) Act 1983 – Re- Homing Of Animals

The Committee considered a report from the Director of Environmental Services on the requirement for licensing of businesses that sell re-homed animals, and the conditions that will apply to such businesses. The report indicated that a Pet Shop is the carrying on at any premises of any nature (including a private dwelling) the business of selling animals as pets. There are exemptions for persons selling pedigree animals bred by them, and those to be used for breeding.

No person may keep a pet shop unless they are licensed by the local authority. The local authority may, on application and if the applicant was not currently disqualified by the court from holding a Pet Shop Licence, grant a licence to a person to keep a Pet Shop subject to compliance with such conditions that were specified in the licence. The local authority can attach conditions to a licence that it considers necessary or expedient for ensuring; the welfare of the animals and the public, ensuring mammals are not sold at too early an age, preventing the spread of infectious disease, and on being satisfied that appropriate provision has been made for steps to be taken in the event of fire or other emergency arising at the premises. A fee is payable, and the licence remains in force to the end of the year in which it is issued. A person aggrieved by the refusal of a licence or its conditions can appeal to a magistrates court.

**Resolved to approve the conditions for the licensing of re-homed animals under the Pet Animals Act 1951 (as amended by the Pet Animal Act 1951 (Amendment) Act 1983).**

MINUTES END