

Customers and Communities Overview and Scrutiny Panel

Monday 18 July 2011

PRESENT:

Councillor Thompson, in the Chair.

Councillor Peter Smith, Vice Chair.

Councillors Mrs Beer, Mrs Bowyer, Churchill, Martin Leaves, McDonald (substitute for Councillor Davey), Penberthy, John Smith and Vincent.

Co-opted Representative: Dr A Jellings.

Apologies for absence: Councillors Davey and Delbridge.

Also in attendance: Pete Aley – Assistant Director for Safer Communities, Councillor Bowyer – Cabinet Member for Finance, Property and People, Carole Burgoyne – Director for Community Services, James Coulton – Assistant Director for Culture, Sport and Leisure, Tony Hopwood – Programmes Director, Councillor Jordan – Cabinet Member for Community Services (Safer and Stronger Communities and Leisure, Culture and Sport), Councillor Michael Leaves – Cabinet Member for Community Services (Street Scene, Waste and Sustainability) and Andy Netherton – Principal EHO.

The meeting started at 4.00 pm and finished at 5.30 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

12. DECLARATIONS OF INTEREST

In accordance with the code of conduct, the following declarations of interest were made –

Name	Subject	Reason	Interest
Councillor Martin Leaves	Minute 17 – Sex Establishment Licensing Policy	Earns income from the night time economy	Personal
Councillor John Smith	Minute 17 – Sex Establishment Licensing Policy	Earns income from the night time economy	Personal
Councillor McDonald	Minute 17 – Sex Establishment Licensing Policy	Ward Councillor made submission to the draft policy	Personal

Dr A Jellings	Minute 16 – Plymouth Life Centre and Leisure Related Projects Programme Update	Employed by University of Plymouth	Personal

13. **MINUTES**

Agreed that the minutes of the meeting held on 6 June 2011 are confirmed as a correct record subject to the following amendment, minute 8 (11) refers Social Media ‘Strategy’.

14. **CHAIR'S URGENT BUSINESS**

There were no items of Chair’s urgent business.

15. **TRACKING RESOLUTIONS AND FEEDBACK FROM THE OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

The Chair updated the panel on its tracking resolutions and provided feedback from the Overview and Scrutiny Management Board.

With regard to feedback from the Overview and Scrutiny Management Board meeting held on 29 June 2011 the panel was informed that –

- (a) Supporting People had been referred to the panel for scrutiny;
- (b) a task and finish group on locality working had been held over two days at which the panel had been represented by the Chair.

The panel noted the progress of its tracking resolutions.

16. **PLYMOUTH LIFE CENTRE AND LEISURE RELATED PROJECTS PROGRAMME UPDATE**

Councillor Bowyer expressed concerns regarding recent media comments by the opposition party, to which a response was provided.

The Director for Community Services submitted an update report on the Plymouth Life Centre and leisure related projects programme. The update highlighted the following main areas –

- (a) Plymouth Life Centre –
 - the handover to the Leisure Management Operator would take place in mid November which would result in the fit out being

complete in mid January 2012 (which took account of a three week shutdown over the Christmas period);

- it was envisaged that the building works would be complete on programme in November 2011 (with the subsequent handover of the building on 16 January 2012); the building would be open to the public in early February 2012;

(b) Leisure Management Contract –

- the Leisure Management Contract had been signed on 20 May 2011; the authority had been working with SLM to develop their mobilisation proposals and to begin to meet with staff from the various organizations that would TUPE transfer to SLM for the duration of the contract;
- SLM had appointed its Contract Manager, David Greenwood;
- regular progress updates were being held with both the Trade Unions and staff groups;

(c) Brickfields –

- following discussions, it has been agreed to grant a lease to the Devonport Community Leisure Limited with a further sub-lease being granted to SLM for the management and operation of the building;

(d) Skateboard Park -

- the revised skate park design had been issued to planning (a few minor amendments had been requested); following completion of these amendments an amended planning application had been submitted;

(e) Plymouth Pavilions

- a competitive dialogue exercise had commenced for the procurement of a private sector partner for the delivery of ice and arena facilities; the programme to secure a partner would result in an appointment in early 2012.

Councillor Bowyer, Cabinet Member for Finance, Property and People and Councillor Jordan, Cabinet Member for Community Services (Safer and Stronger Communities and Leisure, Culture and Sport) were both keen to promote the use of Brickfields, as well as other leisure facilities across the city, including the Plymouth Life Centre.

The following responses were provided to questions raised by the panel –

- (f) the Devon Audit Partnership had been involved in this process and a member of the partnership had also sat on the Executive Programme Board, to oversee the award of the contract;
- (g) Sport and Leisure Management (the leisure management operator) would be monitoring users of the Plymouth Life Centre, to identify those areas of the city that were under-using the facility (marketing campaigns would be used to target these areas); this would assist the operator in meeting the targets set by the Council within the leisure management contract;
- (h) the Plymouth Life Centre was considered to be easier to access than the Pavilions;
- (i) the Plymouth Life Centre offered significantly improved swimming facilities than were currently available at the Pavilions;
- (j) the Council had been in discussion with such user groups as the 'Young at Heart' group, regarding the transfer from the Pavilions to the Plymouth Life Centre; (the water facilities within the Plymouth Life Centre offered flexibility for all users as there was space to accommodate all activities such as the fun pool, swimming lessons, aerobics, swimming and professional swimming);
- (k) a site visit had taken place, in order to engage with key General Practitioners to demonstrate the real benefits to the city that the Plymouth Life Centre offered.

Panel Members were encouraged to take up the offer of a site visit, to view for themselves, the facilities offered at the Plymouth Life Centre (site visits would be arranged at convenient times for those members who were unable to attend during normal working hours).

(Dr A Jellings declared a personal interest in the above matter).

17. **SEX ESTABLISHMENT LICENSING POLICY**

The Director for Community Services submitted a report on the Sex Establishment Licensing Policy, which outlined the following key points –

- (a) Schedule 3 of the Licensing Government (Miscellaneous Provisions) Act 1982 had been amended under the Policing and Crime Act 2009, to include sexual entertainment venues;
- (b) the new legislative controls available to the licensing authority strengthened the role that local communities played in deciding whether a sex establishment venue was appropriate for a particular locality;

- (c) if the Council adopted the provisions, there would be a transitional period where existing operators and new applicants could apply for licences under the new law;
- (d) the Council currently licensed –
 - two sex shops;
 - three premises with the facility for lap dancing controlled by the Licensing Act 2003 (currently two premises were operational);
- (e) the consultation process had included a wide range of consultees including individuals, groups, ward councillors, members of Team Plymouth and press releases; (a total of 45 responses had been received);
- (f) the regulator had to have regard the principles contained in the Statutory Code of Practice which included economic progress and risk assessments;
- (g) the proposed fee levels would be as follows –
 - application fee £3900;
 - variation fee £800;
 - annual renewal fees £3200;
 - transfer £750;
- (h) there would be no Sunday trading from 6am to midnight on Sunday;
- (i) there was no statutory requirement on the Council to notify residents and businesses of applications; it was proposed to notify ward councillors of applications within their ward or adjacent wards where appropriate.

The following responses were provided to questions raised by the panel –

- (j) existing sex establishments had to apply for a licence under the new legislation; the application would be determined by the Council's Licensing Sub Miscellaneous Committee (if there were concerns regarding the appearance of an establishment, there could be conditions placed on the licence);
- (k) notification of any licensing applications by individual letter to residents would need careful consideration; guidance would need to be provided to address such issues as to which residents would receive such notification (distance from the premises to dwellings) and putting a process in place for those residents who had not been notified; there would be resourcing implications if such a process was introduced which would result in an increase in the proposed level of fees;

- (l) the equalities impact assessment had been drafted and would be published together with the Sex Establishment Licensing Policy;
- (m) the European Services Directive required fees to be set at a reasonable level; the current level of fees were relatively high due to the low numbers of licensed premises over which the cost of the administration could be spread (should the number of licence premises increase then the fees would reduce, as failure to reduce the fees whilst making a profit was likely to be challenged).

The panel agreed to recommend to the Overview and Scrutiny Management Board that the following matters are recommended to Cabinet –

- (1) the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982;
- (2) the content of the draft Sex Establishment Licensing Policy with the inclusion of the following -
 - (hours of opening) to include ‘Good Friday’ on a similar basis to Sundays;
 - (notification) that residents, chairs of school governors, religious establishments within a specific distance from the proposed sex establishment, as well as the relevant Ward Councillors, are notified of any application by individual letters.

(Councillors Martin Leaves, McDonald and John Smith declared a personal interest in the above matter).

18. **WORK PROGRAMME**

The panel noted its work programme for 2011/12.

19. **EXEMPT BUSINESS**

There were no items of exempt business.