

Licensing Committee
Wednesday, 20 July 2022

Present: Councillor Burrows, Councillor Buston, Councillor Chuah, Councillor Harris, Councillor Hogg, Councillor Mannion, Councillor Nissen, Councillor B. Oxford, Councillor T. Young

Substitutes: Councillor Wood for Councillor Hagon
Councillor Tate for Councillor Moore

155. Declarations of Interest

Councillor Hogg declared a non-pecuniary interest in agenda item 7, Statement of Licensing Policy for Sex Establishments, by virtue of the fact that he was the holder of a personal licence in respect of a registered charity.

156. Minutes of the previous meeting

RESOLVED that: the minutes of the meeting held on 1 June 2022 be confirmed as a correct record.

157. Statement of Licensing Policy for Sex Establishments

Jon Ruder, Licensing and Food Safety Manager attended the meeting to present the report and assist the Committee with its enquiries. The Committee hear that Colchester Borough Council (the Council)'s Statement of Licensing Policy for Sex Establishments (the Policy) had been updated to reflect the fact that a lot of the Council's services were now available online. There had been no other substantive changes made, save for corrections in respect of spelling or grammatical mistakes which had been spotted in the document. The Policy would be considered again in the light of a full review of the Council's Licensing Policy which was currently being undertaken by Officers.

In response to a question from a Committee member, it was confirmed that the Council's Policy was similar in content and scope to policies adopted by other Local Authorities.

A Committee member wondered whether the majority of business activities which would be carried out in accordance with the Policy were now carried out online, and it was confirmed that there was currently only one licensed sex establishment in the borough which was trading, and it could be inferred that online activities may have

contributed to a reduction in the number of physical licensed premises. In the past, Colchester had four licensed sexual entertainment premises, two shops and two clubs, however, it was always possible that further applications would be received in the future.

The Committee heard that the Policy was maintained under constant review, and no restrictions on the number of licenses which would be issued was proposed at the current time. Such a restriction may be possible in the future, should evidence supporting the need for this be presented.

A Committee member pointed out a number of typographical errors in the proposed Policy, and the Committee was assured that these would be corrected prior to the Policy being implemented.

It was noted that the Policy stated that each application would be judged on its own merits, however, discretion was permitted if a premises should be sited near to schools, parks, religious centres or other potentially sensitive areas, and the Council would be permitted to consider the character and locality of a proposed site for a sex establishment premises. The Committee was assured that this would allow applications to be subject to a suitable level of scrutiny.

A committee member recalled the operation of a 'swingers club' in the borough a number of years ago, which had caused public consternation. At the time it had not been possible for either the Licensing Authority or the Planning Authority to take enforcement action against the club; would the Policy now allow for action to be taken against such a club in the future? Jon Ruder explained to the Committee that was a broad agreement across the Licensing Authorities in the County that such clubs probably did require a licence, and should a similar club become active in the future, its legality would be carefully considered.

RESOLVED that: subject to the correction of typographical errors in the document, the proposed Statement of Licensing Policy for Sex Establishments be recommended to Full Council for adoption.

158. Work Programme 2021-2022

Matthew Evans, Democratic Services Officer, introduced the work programme 2022-2023.

RESOLVED that: the contents of the work programme be noted.