

LICENSING COMMITTEE

1 JUNE 2011

Present :- Councillor Barrie Cook (Chairman)
Councillors John Bouckley (Former Mayor) ,
Dave Harris, Pauline Hazell, Mike Hogg (Former
Mayor) , Margaret Kimberley and Michael Lilley

3. Minutes

RESOLVED that the minutes of the meetings held on 9 March, 5 April and 18 May 2011 were confirmed as correct records.

4. Licensing Policy for Sex Establishments//Consultation responses

The Committee considered a report by the Head of Environmental and Protective Services on the final draft Statement of Licensing Policy for Sex Establishments following the public consultation period. The Policy had been scrutinised by leading licensing Counsel, Mr P Kolvin and his suggestions included in the final draft Policy.

The Policy, which was appended to the report, set out the Council's proposed approach to regulating sex establishments and the procedures it would adopt in relation to applications for sex establishment licences. Mr Daines, Protective Services Manager, outlined the changes that had been made, the most significant of which was the removal of the statement that the Council would restrict the number of establishments in the borough to zero. Counsel had advised that setting such a limit would be unlawful and instead the Council should consider each application on its own merit. Limits, including setting a zero limit, could be considered for specific areas of the Borough but could not be used for the entire Borough. There was concern at the possible proliferation of sex establishments in the Queen Street/ St Botolph's Street Area and discussion concerning the role of the stress area in controlling the number of premises.

A number of minor revisions had been made to the policy to tidy it up and remove duplications. In considering the suggested revisions, members raised concerns regarding the notification of applications to potential interested parties. The legislation required that the Police to be notified and in addition the Policy stated that Ward Councillors would be notified however, other local groups/organisations in the vicinity, namely schools, would not be automatically be notified. The Committee's attention was drawn to sections 4 and 5 of the final draft policy which recommended that any applications made in the vicinity of establishments such as schools be refused. There was some debate on how to determine the suitability of applicants under the criteria given in Section 6 of the final draft Policy. Mr Daines responded that the Council would work in partnership with the Police and other local authorities in the event that they were operating premises elsewhere to judge the suitability of the applicant. It was also noted that the final draft policy also now mentions that the Policy will be updated as and when appropriate.

The Committee was notified that only one response had been received in relation to the public consultation and that this had simply thanked the Council for consulting with it.

RECOMMENDED TO COUNCIL that the final draft Statement of Licensing Policy for Sex Establishments be approved and that the Policy comes into force on 21 July 2011.