

# LICENSING COMMITTEE

## 9 MARCH 2011

*Present :-* Councillors Mary Blandon, John Bouckley, Nick Cope, Mark Cory, Dave Harris, Mike Hogg, Margaret Kimberley and Michael Lilley

### 18. Minutes

*RESOLVED* that the minutes of the meetings held on 24 November 2010 and 12 January 2011 were confirmed as correct records.

### 19. Draft Sex Establishment Policy

The Committee considered a report by the Head of Environmental and Protective Services on the draft Statement of Licensing Policy for Sex Establishments following the Council's decision to re-adopt the provisions of Schedule 3 of the Local Government Act 1982, as amended by Section 27 of the Policing & Crime Act 2009. As a result of the adoption of this legislation all premises operating as sex establishments in the borough (including sex shops, sex cinemas and sex entertainment venues) were required to be licensed.

The draft 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. The Council was able to set terms and conditions for the grant, renewal, transfer and variation of these licences and to prescribe the number of licences that could be issued in the area, including setting this figure at nil.

The Council had not in the past imposed a restriction on the number of sex establishment licences that could be issued. The town currently had two licensed sex shops in Butt Road and a premises providing adult entertainment in the form of lap dancing or similar entertainment in St Botolph's Street. Whilst recognising that there were existing businesses in the borough providing such services and that these should be allowed to remain, it was suggested that it should be the Council's policy to limit the number of sex establishments in its area to zero. In doing so the onus would be on new applicants to demonstrate why the Council should depart from its policy. Each application would be considered on its own merits and in considering it the Council would have regard to the location of licensed premises and the likely impact that the grant of such a licence would have on the local community. The policy gave further details on the matters that the Council would consider when assessing such applications. The processing for opposing such applications was discussed and it was confirmed that objections outside of the 28 day period may in certain circumstances be considered by the Licensing Committee.

The Monitoring Officer outlined the Council's duties under the Equalities Act which would be fully addressed when the matter came back to the Committee at the end of

the consultation period. There were no statutory provisions regarding consultation on the policy and therefore, in formulating a suggested process, consideration was given to the general principles and case law concerning consultation. It was proposed to consult with the police; holders of existing licences; business and residents representatives; Borough Councillors and Parish Councils. In addition information on the consultation would be included on the Council's website.

*RESOLVED* that the draft Statement of Licensing Policy for Sex Establishments be approved for the purposes of consultation and that the proposed consultation process, as outlined in the report, be approved.

## **20. Penalty Point Scheme of Delegation**

The Committee considered a report by the Head of Environmental and Protective Services on changes to the penalty point scheme to enable decisions to be taken by all appropriate officers within the Licensing Specialist Unit and thereby improving customer service and business continuity.

The report also proposed a reduction in the number of Committee members sitting on Hackney Carriage/Private Hire appeals from five to three. The reduction in numbers would bring the appeals hearings in line with Licensing Act 2003 Sub-Committee Hearings and would be less intimidating for drivers appearing before the Committee.

*RESOLVED* that-

- (i) The amendments to Penalty Points Scheme as set out in Appendix 1 to the report by the Head of Environmental and protective Services be approved.
- (ii) The number of Committee members sitting on Hackney Carriage/Private Hire appeals be reduced to three members.