

MINUTES OF THE LICENSING COMMITTEE

9 November 2011

Present:

Councillor C.M. Frazer (Vice-Chairman) in the Chair

Councillors:

F. Ayers	R.B. Colison-Crawford	A.C. Harman
A. Ayub	J.A. Dale	A.J. Mitchell
C.A. Bannister	Mrs S.A. Dunn	Mrs I. Napper
M. Bushnell	D. Gohil	Mrs M.W. Rough

Apologies: Councillor R.W. Sider (Chairman) and Mrs D.L. Grant.

279/11 Minutes

The minutes of the meeting held on 12 October 2011 were approved as a correct record.

280/11 [Adoption of legislation to regulate sex establishments](#)

The Environmental Health Manager (Commercial) explained that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (1982 Act) gave the Council discretionary powers to licence sex establishments.

The 1982 Act was amended, with effect from 1st April 2010, by Section 27 of the Policing and Crime Act 2009, to give the same powers to licence sexual entertainment venues, which included any premises, vehicle, vessel or stall, which provided lap dancing, pole dancing, table dancing, strip shows, peep shows or live sex shows. There was an exemption for establishments that provided "relevant entertainment" on no more than 11 occasions within a 12 month period.

Under the new regime, local residents would be able to oppose applications for sex establishments on wider grounds than was possible under existing legislation such as the Licensing Act 2003. Objections could be made on the grounds that such an establishment would be inappropriate, given the character of an area or the use to which other premises in the vicinity were put. Local authorities would also be able to set limits on the number of sex establishments they considered appropriate for a particular locality.

The Licensing Authority must formally adopt the amended provisions of Schedule 3 of the 1982 Act in order for them to be applied in the local authority area. This Council had not previously sought to adopt these powers, because there were currently no dedicated venues of this nature known to be in existence in the borough.

The Environmental Health Manager (Commercial) stated that adopting a policy would provide the Council with a structured legal framework, which should promote fairness, consistency and transparency in its decision making, when dealing with future sex establishments in the borough. [A draft sex establishment licensing policy](#) was submitted to the Committee for consideration, subject to consultation with interested stakeholders.

Schedule 3 to the 1982 Act provided that an application for the grant, renewal, variation or transfer of a sex establishment licence should be accompanied by a reasonable fee determined by the Council, which must be set on a cost recovery basis only. An analysis of the anticipated cost of administering applications for sex establishments by the Council had been undertaken by Council officers and the following fees were considered by the Committee for adoption:

- a) Application for a new, renewal, variation and transfer of a licence: £3,000
- b) Change of licence details: £150.

RESOLVED to recommend Cabinet that Council:

1. adopt the powers to regulate sex establishments and the proposed fees for the licensing of these venues, subject to the Council advertising its intention to do so;
2. approve the proposed policy for sex establishments as attached to the Report of the Assistant Chief Executive, for public consultation.