

Extract from **MINUTES** of the **COUNCIL** held at the District Offices, College Heath Road, Mildenhall on Wednesday 14 December 2011 at 6.00pm.

706. **PROPOSED SEX ESTABLISHMENT LICENSING POLICY (REPORT NO COU11/541)**

The Principal Environmental Health Officer (Food, Licensing and Safety Team) presented this report which informed Members of the public consultation responses and sought approval of the proposed Sex Establishment Licensing Policy and Standard Conditions which were to apply to premises which required a licence (as set out in Appendix 2).

On 21 November 2011, the proposed Policy, which incorporated the accepted consultation amendments, was presented to the Licensing Committee. The Committee had fully considered the consultation responses and changes made to the proposed Policy. Members had chosen not to set any maximum on the number of sex establishments in the District, nor set any minimum distance from areas or premises such as those listed in paragraph 6.3 of the Policy. It was considered that each application should be considered individually on its own merits, taking into account paragraph 6.3 of the Policy and any representations that may have been made. The Licensing Committee resolved to endorse the proposed policy for adoption.

Members were informed that although two individuals from Newmarket Town Council submitted a consultation response, a further response from Newmarket Town Council was received on 23 November 2011, which was considerably later than the end of the consultation period (31 October 2011). The Licensing Committee had not had the benefit of considering this final response. The comments made by Newmarket Town Council were set out in Appendix 3, along with the Service response as set out in Appendix 4.

Councillor W Hirst referred to Appendix 1 which set out the detail of the consultation responses received. He expressed his disappointment that the Licensing Committee had chosen not to set any maximum on the number of sex establishments in the District, nor set any minimum distance from areas or premises, despite the majority of responses received indicating that requirement. Councillor Hirst also referred to the response from Newmarket Town Council (Appendix 3) which had also commented that no sex establishments were to be located within 200 metres of a residential area, school, nursery, building, park or recreation area used by children and places of worship.

APPENDIX 2

Councillor E Stewart referred to the decision made by the Licensing Committee on 21 November 2011 and further reiterated that the Committee had largely regarded it unnecessary to set these parameters, as each application would be considered on its own merits and any representations received.

It was moved by Councillor R D S Hood, seconded by Councillor W Hirst, that the consideration of the proposed Sex Establishment Policy be deferred, to allow for Newmarket Town Council to directly address the Licensing Committee with their representations.

An amendment was then proposed by Councillor R Dicker, seconded by Councillor Mrs C F J Lynch, that the recommendations, as set out in paragraph 23. of the report be approved, with a further recommendation that the Sex Establishment Policy be reviewed by the Licensing Committee in 12 months time.

With the amendment being put to the vote first and with 14 voting for the motion, 5 voting against and with 4 abstentions, it was

RESOLVED:

That:-

1. The results of the consultation process on the proposed Sex Establishment Licensing Policy be noted.
2. The Sex Establishment Licensing Policy be adopted with effect from 19 December 2011.
3. The Licensing Committee undertake a review of the Sex Establishment Policy in twelve months time.