
Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 2 February 2016** at **5.00 pm** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Frank Warby
Vice-Chairman Terry Buckle

Sarah Broughton	Sara Mildmay-White
Tony Brown	Richard Rout
Bob Cockle	Clive Springett
Jeremy Farthing	Sarah Stamp
Wayne Hailstone	Peter Thompson
Beccy Hopfensperger	

By Invitation:
Susan Glossop

21. **Apologies for Absence**

No apologies for absence were received.

22. **Substitutes**

No substitutions were announced.

23. **Minutes**

The minutes of the meeting held 29 September 2015 were confirmed as a correct record and signed by the Chairman.

24. **Public Participation**

There were no members of the public present.

25. **West Suffolk Joint Sex Establishments Licensing Policy**

(Councillor Wayne Hailstone arrived at the meeting during the discussion of this item)

The Committee considered Report LIC/SE/16/01 (previously circulated) which sought approval for public consultation to be carried out on a draft West Suffolk Joint Sex Establishment Licensing Policy. A copy of the draft policy incorporating Guidance and standard Conditions was attached as Appendix 1 to the report. Officers apologised for a reprographic error on Paragraph 1.2 of the draft policy which was unreadable and also appeared out of sequence. This paragraph should state the following :

'Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or Schedules under the Act.'

The background to the draft policy was that Section 27 of the Policing and Crime Act 2009 provided adoptive provisions to allow local authorities to regulate lap dancing clubs and similar venues under the same regime as sex shops and sex cinemas. Specifically the 2009 Act re-classified lap dancing clubs and other similar venues as 'sexual entertainment venues' as a sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. St. Edmundsbury Borough Council passed a resolution to adopt these powers on 1 March 2011.

Sexual entertainment venues were defined as 'any premises at which relevant entertainment is provided for a live audience for the financial gain of the organiser or performer'. The meaning of relevant entertainment is 'any live performance or live display of nudity which is of such a nature that, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)'

In summary Schedule 3 (as amended) to the 1982 Act :

- (a) Allowed local authorities to adopt the legislation.
- (b) Allowed local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate given the character of an area because, for example, the area was primarily a residential area (there is an exemption for premises that provide such entertainment on an infrequent basis).
- (c) Required licences to be renewed at least yearly, at which point local people would have the opportunity to raise objections with the local authority.
- (d) Allowed a local authority to reject a licence application if they believed that to grant a licence for a lap dancing club would be inappropriate given the character of a particular area.

- (e) Allowed a local authority to set a limit on the number of sexual entertainment venues that they thought appropriate for a particular area.
- (f) Allowed a local authority to impose a wider range of conditions on the licences of lap dancing clubs than they were currently able to under the Licensing Act 2003.

In order to operate under this legislation best practice advised that the Council adopt a policy for issue of licences and maintenance of sex establishments and approve a set of standard conditions to be applied to each licence, unless they were expressly excluded or varied.

The Council had a Sex Establishment Licensing Policy which was adopted on 5 April 2011. This formed the basis of decisions when dispensing the Licensing Authority's functions in respect of sex shops, cinemas and sex entertainment venues (lap dancing clubs).

Although Forest Heath DC and St. Edmundsbury B C are two separate licensing authorities, Officers are proposing a West Suffolk Joint Sex Establishment Licensing Policy which incorporates guidance and more detailed standard conditions. The proposed statement at Appendix 1 of this report was the first joint one for sex establishments and would require adoption, after consultation, by both Councils.

For St. Edmundsbury BC, the proposed joint policy would replace that already in place, the main difference was the introduction of a wider range of minimum standard conditions. The proposed policy was based upon one used nationally and which formed the basis of the policy in place at Forest Heath DC. The Forest Heath policy had been referred to for the last four years when a lap dancing club application and subsequent annual renewals had required Member determination as the result of objections.

Following public consultation the policy, including any revisions, would be brought before the Committee for approval, prior to referral to Cabinet and Council for formal adoption.

Officers emphasised that the main grounds for refusing an application were the unsuitability of the location of the premises involved, e.g. proximity to schools or churches, and moral issues had to be set aside. Officers further advised that unlike refusals of Premises' or Taxi Licences where there was a right of appeal to the Magistrates' Court no such facility existed in case of refusal of an application for a Sex Establishment Licence. It was also acknowledged by Officers that the text of the draft policy required minor corrections to the text before the document was subject to public consultation.

In response to questions raised by Members the following responses were given by Officers :

- (i) the fee of £3,000 reflected the high cost of processing applications and the Council was entitled to recover this ; and

(ii) in situations where a Sex Establishment Licence and a Premises' Licence applied to the same property efforts would be made to ensure that closing times to be applied under both forms of licence were coterminous.

RESOLVED :

That the draft West Suffolk Joint Sex Establishment Licensing Policy be approved for public consultation.

26. Minutes of meetings of Licensing Sub-Committees

The minutes of the meetings of the Licensing Act Sub-Committee held 7 and 17 September 2015 and the Licensing & Regulatory Sub-Committee held 26 October (all previously circulated) were confirmed as correct records and signed by the Chairman.

27. Exempt information - Exclusion of public

RESOLVED :

That under Section 100 (A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12 (A) of the Act.

28. Exempt Minutes of meeting of Licensing Sub-Committee

The exempt minutes of the meeting of the Licensing & Regulatory Sub-Committee held 26 October 2015 (previously circulated) were confirmed as a correct record and signed by the Chairman.

The meeting concluded at 5.20pm

Signed by:

Chairman
