

CABINET MINUTE 104 OF 17 JANUARY 2012

SEX ESTABLISHMENT LICENSING POLICY

The Director of Place submitted a written report indicating that –

- (a) recent legislative changes had provided the Council with the ability to have a greater level of control on the position and operation of sex establishments;
- (b) businesses operating lap dancing and similar operations would now come under the same licensing system as sex shops and sex cinemas;
- (c) the Council would need to adopt the new legal provisions and an associated licensing policy to apply the provisions;
- (d) public consultation had been undertaken on a draft policy and the report set out the results of the consultation;
- (e) the recommendations of the Customer and Communities Overview and Scrutiny Panel following a review of the consultation findings and the draft policy.

Councillor Michael Leaves (Cabinet Member for Community Services (Street Scene, Waste and Sustainability) presented the report and proposed approval of option 1 as set out in paragraph 5.1 on page 76 of the agenda papers, in relation to opening hours. He also proposed that recommendation (2) of the Customer and Communities Overview and Scrutiny Panel was not supported for the reasons stated in the officer's report. The proposals were seconded by Councillor Ricketts.

Agreed that –

- (1) recommendation (1) from the Customer and Communities Overview and Scrutiny Panel regarding the condition on opening hours as outlined in paragraph 5.1, is not supported;
- (2) Option 1 is included within the Sex Establishments Licensing Policy and recommended to City Council as follows –

'The Council will apply hours of operation that are commensurate to the existing use of the area and its effect on the locality. There shall normally be no operation of licensable activities on Sundays and Good Friday (06.00 am to Midnight), Christmas day or Easter Sunday. Alternative opening restrictions may be put into place dependant on the character of each locality and representations received'

- (3) recommendation (2) from the Customer and Communities Overview and Scrutiny Panel regarding notification of applications as outlined in paragraph 5.2 is not supported;
- (4) the City Council is Recommended to resolve the following -
 - (a) to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by s.27 Policing and Crime Act 2009, which shall come into force on the 5 March 2012;
 - (b) to adopt the Sex Establishments Licensing Policy contained in Appendix A of the written report subject to recommendation (2) above;
 - (c) to approve the scheme of delegation contained in Appendix B of the written report;
 - (d) to approve the following fees and charges -
 - Application Fee £3900
 - Variation Fee £ 800
 - Annual Renewal Fees £3200
 - Transfer £750

Note:

The full report in connection with this minute is available on the website

www.plymouth.gov.uk/democracy

or by contacting Democratic Support on 01752 304867