

# Licensing Committee

Tuesday 30 October 2012

## PRESENT:

Councillor Rennie, in the Chair.

Councillor Gordon, Vice-Chair.

Councillors Mrs Bowyer, Browne, Sam Davey, Mrs Dolan, K Foster, Fry, Mrs Nicholson, Singh and John Smith.

Apologies for absence: Councillors Jarvis and Kate Taylor.

Also in attendance: Ann Gillbanks, Senior Lawyer, Andy Netherton, Manager Health, Safety and Licensing, David Hughes, Senior Environmental Health Officer (Licensing) and Katey Johns, Democratic Support Officer.

The meeting started at 10 am and finished at 10.15 am.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 8. **DECLARATIONS OF INTEREST**

There were no declarations made by councillors in accordance with the code of conduct.

## 9. **MINUTES**

Agreed the minutes of the Licensing Committee meeting held on 26 June and the Licensing Sub- Committee meetings held on 29 May, 26 June, 24 July, 7 and 21 August, 4 September, subject to an amendment to show Councillor Mrs Dolan being in attendance as Fourth Member, 18 September and 1 October, 2012.

## 10. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

## 11. **AN INTRODUCTION TO THE AMENDED SEX ESTABLISHMENTS LICENSING SYSTEM AND ADOPTION OF A POOL OF CONDITIONS**

The Committee considered the report of the Director for Place outlining the Sex Establishment Licensing Policy and proposing the adoption of a pool of conditions for use by applicants and responsible authorities. David Hughes, Senior Environmental Health Officer (Licensing) and Andy Netherton, Manager Health, Safety and Licensing, were in attendance to present the report and drew Members' attention to the following –

- (a) that recent legislative changes which provided the Council with the ability to exert a greater level of control on the position and operation of sex

establishments had been adopted by the Council on 30 January 2012, along with a Sex Establishments Licensing Policy;

- (b) a sexual entertainment venue was defined as “any premise at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”;
- (c) relevant entertainment was defined as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience(whether by verbal or other means)”;
- (d) as a result of the recent legislative changes, officers had been visiting premises in the city with a view to identifying any which may require reclassification under the new definition. To date, two had been identified and applications were shortly to be considered by the Licensing Sub-Committee;
- (e) alongside (d) above, officers had been working on developing a pool of suggested licensing conditions to be available to applicants and responsible authorities for use in application preparations in order to ensure that decision making was rational, necessary and proportionate to the licensing objectives. This pool of suggested conditions was by no means exhaustive or conclusive and could be added to at any time.

In response to questions raised relating to the pool of conditions, Members heard that officers had looked at what other local authorities were doing elsewhere, and had consulted with the trade and responsible authorities neither of whom had raised any major objections.

Agreed –

- (1) that the contents of the Sex Establishment Licensing Policy is noted;
- (2) to adopt the pool of licensing conditions that will provide a resource for Members during the consideration of applications or any other decision-making in respect to sex establishments;
- (3) that authority is delegated to officers to amend the pool of licensing conditions as appropriate in consultation with the Chair and lead opposition member of the Licensing Committee.

## 12. **EXEMPT BUSINESS**

There were no items of exempt business.