

Licensing Committee

Held at Council Chamber, Ryedale House, Malton
on Thursday 27 January 2011

Present

Councillors Mrs Arnold, Mrs Cowan, Mrs Cowling, Mrs De Wend Fenton, Mrs Frank, Hawkins, Hemesley OBE, Hope, Spencer and Ms Warriner MBE

In Attendance

Fiona Brown, Marie-Ann Jackson, Phil Long, Steve Richmond and Susan Shuttleworth

Minutes

25 Apologies for absence

There were no apologies for absence.

26 Minutes of the meeting held on 8 December 2010

The minutes of a meeting of the Licensing Committee held on 8 December 2010 (previously circulated) were submitted

Resolved

That the minutes of a meeting of the Licensing Committee held on 8 December 2010 be approved and signed by the Chairman as a correct record.

27 Urgent Business

The Chairman reported that there were no items of urgent business to be considered.

28 Declarations of Interest

No declarations of interest were received.

29 Procedure in relation to the licensing of Sexual Establishments Venues

The Head of Environment submitted a report (previously circulated) seeking adoption and approval of a procedure for the licensing of Sexual Entertainment Venues, which seeks to treat each case on its own merits, provide standard licence conditions, set a proposed scale of fees and delegate powers to considering certain applications to a licensing Sub Committee.

Members were reminded that on 25 November 1982 the Council agreed to adopt the provisions of Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to Sex Establishments. On 4th November 2010 the Council agreed to adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009, which introduced a licensing regime for Sexual Entertainment Venues (lap dancing type venues).

The report now submitted gave details of a licence application procedure that had been developed and it was recommended that, due to the anticipated public interest in such an application and for the avoidance of doubt, the Licensing Sub Committee will determine all new, renewal and variation applications relating to Sexual Entertainment Venues and that the Health and Environment Manager be delegated all other functions unless in his opinion the matter should be determined by a meeting of the Licensing Sub Committee.

The report also set out a proposed scale of fees. It was noted that an administration fee of 50% would be levied on licence applications that were withdrawn.

Resolved

That the report be received and that

- (i) the proposed procedure for the determination of applications for the licensing of sexual entertainment venues, which includes the licence conditions to be attached to such licences and the Sexual Entertainment Venue application form and licence application procedure listed at Annex A and Annex C be approved and adopted
- (ii) the proposed scale of fees set out at Annex B to the report be approved with immediate effect
- (iii) the procedure as detailed in the report that treats each application on an individual basis and on its own merits in accordance with the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be adopted
- (iv) the determination of all new, renewal and variation applications for Sexual Entertainment Venue Licences be delegated to a Licensing Sub Committee, constituted under the provisions of the Licensing Act 2003, and the procedures as outlined in Annex 1 & 3 in relation to making a determination of an application for a Sexual Entertainment Venue licence be adopted by the Licensing Sub Committee

- (v) other than the determination of either a new, renewal or variation application for a Sexual Entertainment Venue Licence, the determination of transfer applications and other matters pursuant to Part 2, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) be exercised by the Health and Environment Manager, unless the application or matter should, in the opinion of the Health and Environment Manager be determined by the Licensing Sub Committee
- (vi) the Council Solicitor be authorised to make any consequential amendments to the Constitution.

30 **Any other business that the Chairman decides is urgent.**

There being no other business, the meeting closed at 8.50pm