



Regulatory Committee

16:50 to 17:45

15 June 2023

Present: Councillors Stutely (chair), Calvert, Everett, Francis, Huntley, Kidman, Maguire, Peek, Prinsley, Schmierer and Worley

Apologies: Councillors Ackroyd, Catt, and Davis

1. Declarations of interest

There were no declarations of interest.

2. Public Questions/Petitions

There were no public questions or petitions.

3. Appointment of vice-chair

RESOLVED to appoint Councillor Huntley as vice-chair for the ensuing civic year.

4. Statement of licensing policy for sex establishments (sex establishment policy)

The licensing team leader presented the report.

The chair noted that committee were considering the policy prior to consultation and this provided an opportunity to raise any concerns or questions members had. Members were being asked to approve the policy prior to it going out for consultation and members were encouraged to take part and feed into the consultation process itself.

In response to a question from the chair the licensing team leader confirmed that there were currently four sex establishments licensed in the city all of which were sexual entertainment venues. The chair advised that the other types of sex establishments were sex shops and cinemas but that there were no types of this establishment in the city.

The chair went through the policy a section at a time. In relation to Section 4: Location of Licensed Premises, the chair noted that the current policy included two locality areas and it was proposed that these be joined creating one larger area containing a maximum of four establishments. In response to a member question the licensing team leader confirmed that a venue had recently had its licence revoked which was currently awaiting appeal at magistrates. She noted that it was a

fluid situation and the case was scheduled to be heard at magistrates in September. The policy aimed to reflect the number of establishments currently in operation and the maximum number could be revised depending on the outcome of the appeal.

A member noted that his preference was to keep the two distinct locality areas. The licensing team leader explained the rationale behind the proposed policy reflecting the current situation was to reduce the burden to the council of hearing every application at full committee. Currently every application had to be heard as the maximum number of establishment allowable in the two locality areas was below the number that actually existed. This resulted in a three day hearing with subsequent resource implications for officers, members and the businesses themselves. She reassured members that compliance issues would still be addressed.

In response to a member question the regulatory services manager advised that anything that deviated from policy could not be determined by officers. There was the option to reduce the committee to fewer members or to the chair and the vice chair. The chair considered there was a logic to reducing committee time if there were no issues with sexual entertainment venues (SEVs) subject to sufficient enforcement being conducted.

A member summarised that the current policy included two locality areas and the proposal was to merge the two areas into one locality area. Rather than merging the areas could they not be kept as was and the number of SEVs allowable changed to reflect the current position. The chair advised that this was possible but considered there was an advantage to merging the areas and restricting the number of SEVs across the whole city. A member noted that he supported anything which reduced the officer load and considered that the new policy would still offer the same amount of regulation and control.

A member asked how the number of establishments considered appropriate in a locality was determined. The chair advised that this was a matter for committee to determine. However, whilst a cap could be set once the cap was reached each application still had to be considered on its own merit. In response to a member question the chair confirmed that as the current number of establishments in the two locality areas was greater than the cap the authority had set, each application had to be heard by committee every year.

Considering Section 5, Application Process, the chair advised the proposed policy allowed officers to determine applications subject to there not being any issues. He suggested that these delegated powers be combined with a decision from the chair and vice-chair to ensure committee's will was considered and to ensure that relevant enforcement was in place.

In relation to Section 8, Conditions, the chair noted that there was a disconnect between the policy and the actual conditions on the licences of SEVs. The licensing team leader advised the policy set out the standard conditions applicable to all licences. However, as venues applied for their licences the conditions were varied resulting in different venues having differently worded conditions. There would be a presumption that new venues applying would adopt these conditions or explain why they wished to deviate from them. The consultation process itself opened a dialogue with current licence holders to review the wording of the conditions they had.

In response to a question from a member regarding the welfare of workers at SEVs the chair advised that most performers at venues were self-employed with the terms set by their employment contract. The legal advisor to the committee referred to standard licence conditions (49) and (50) which were designed to ensure the safety of performers. The chair confirmed that there was a requirement on premises to ensure that performers had the right to work too. The licensing team leader referred to standard licence condition (17) which referred to venues having to provide their house rules as part of their licence and to ensure all performers were conversant with it. The regulatory services manager highlighted condition (13) which required that welfare training be provided to a designated person with responsibility for dancer's welfare. She confirmed this requirement was checked when enforcement inspection occurred at venues.

Members considered any recommendations they wished to make. A member considered that the two locality areas should not be merged and that the area encompassing Prince of Wales Road should remain as its own area. The number of venues in the two areas could be set to reflect the number that existed and therefore would still have the affect of reducing the burden of hearing every application. The chair proposed that the applications be delegated to officers in consultation with the chair and vice-chair. It was decided that these views be submitted individually by members as part of the consultation process as it was noted that the policy would return to committee for further consideration post consultation before approval at full council.

Following a vote with 10 members voting in favour and one against it was **RESOLVED** to approve for consultation the draft sex establishment policy in respect of sex establishments.

5. Standing item minutes of the regulatory subcommittee

The vice-chair asked for an update on item *8 of the regulatory subcommittee held on 13 February 2023 when committee made a decision to immediately revoke a licence. The licensing team leader advised the licence holder no longer lived at the address the council had on record and intelligence suggested he had moved out of the area. The police had a marker on the vehicle and if it appeared it would be stopped. Technically the vehicle was still licensed but the licence holder would be committing an offence if he drove it.

The chair referred to the schedule of regulatory subcommittee meetings which had been circulated and asked members to note the dates.

RESOLVED to receive the minutes of the regulatory subcommittee meetings held on 21 November 2022, 12 December 2022, 13 February 2023 and 13 March 2023.

CHAIR