



**Licensing committee**

**16:30 to 18:25**

**6 September 2018**

Present: Councillors Malik (chair), Fulton-McAlister (E) (vice chair), Brociek-Fullman, Huntley, Maxwell, Price, Raby (sub for Henderson), Ryan, Stewart and Thomas (Va)

Apologies: Councillors Ackroyd, Bradford and Henderson

**1. Appointment of vice chair**

**RESOLVED** to appoint Councillor Fulton-McAlister (E) as vice-chair for the ensuing civic year.

**2. Public questions/ petitions**

There were no public questions or petitions received.

**3. Declarations of interest**

There were no declarations of interest.

**4. Minutes**

The committee officer agreed to provide an update to the next meeting on holding an all member's briefing on the effects of super strength alcohol.

**RESOLVED** to:

- (1) ask the committee officer to provide an update on the resolution made at licensing committee on 21 March 2018 to organise a member's briefing on the effects of super strength alcohol to the all members briefing schedule; and
- (2) approve the accuracy of the minutes of the meeting held on 21 March 2018 and 4 April 2018.

**5. Sex Establishment Policy**

The environmental protection, licensing and markets manager presented the report. He noted the following amendments to the draft sex establishment policy statement incorporated as appendix B to the report:

- 1) On agenda page 51, the third paragraph, the penultimate sentence after the words Licensing Act 2003 the following to be added:

‘which relate to nudity, striptease and similar’

- 2) On agenda page 51, the last sentence would change to read:

‘In considering and granting such authorisations the Authority will have regard to the Authority’s statement of Licensing Policy.’

- 3) On agenda page 52, the sixth paragraph to add on the end of the sentence the following:

‘except when received by the by the council electronically’.

- 4) On agenda page 53, the sixth paragraph to delete the word ‘online from the first sentence. The last paragraph to delete the words ‘in the city’.

- 5) On agenda page 54, the first bullet point after the word vicinity to add:

‘are put; or to the layout, character or condition’

- 6) On agenda page 54, the fourth paragraph to change the wording to:

‘The Authority will not consider objections which relate to moral grounds (as these are outside the scope of the Act). Where objections are rejected, the objector will be given written reasons.’

- 7) On agenda page 55, on the first set of bullet points, the list of matters that the Authority will have regard to when considering applications, add an extra bullet point to read:

‘and any other relevant legislation or guidance’

- 8) On agenda page 56, on the fifth paragraph to add after the word locality:

‘Or any other discretionary ground of refusal’

- 9) On agenda page 57, to amend grounds for refusal c to read:

‘That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality’.

- 10) On agenda page 58, on the seventh paragraph to add after the words deceased licence-holder:

‘and that no other circumstances make it undesirable’.

- 11) On agenda page 58, the last paragraph, in the first sentence after the word application which appeared twice in the sentence add the words:

'or holder'

12) On agenda page 59, the second bullet point was amended to read:

'that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality; or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made'.

Members discussed any further amendments which might be required to the sex establishment policy. A member referred to the list of bodies on page 55 of the agenda, organisations which the authority would take account of comments made in response to Sex Establishment applications received. The legal advisor to the committee advised that the authority was obliged to consider any relevant representations whether an organisation was listed specifically in the policy or not.

In response to a member question the environmental protection, licensing and markets manager said that children's services were advised of applications via the Norfolk Safeguarding Children Board (NSCB). Members agreed this should be added to the list on agenda page 55 to ensure that it was clear the NSCB were notified of applications made. No further amendments were noted.

The environmental protection, licensing and markets manager said that the committee at its meeting on 8 September 2017 had agreed two relevant localities for Sexual Entertainment Venues (SEVs); the 'city centre leisure area' and the 'late night activity zone'. These were used as the localities in the draft Sex Establishment Policy. He noted that there was a sex shop on St Augustine's Street which was not inside either of the localities as they were currently constituted. To incorporate this, the draft policy referred to a further locality 'city council area outside of the city centre leisure area' in which the shop was situated.

The draft policy set the maximum number of Sex Establishments in each locality to reflect the number of establishments which were currently located in each locality as indicated in the table below:

<b>Locality</b>	<b>number</b>
Late Night Activity Zone	3
City Centre Leisure Area (outside of the LNAZ)	1
City Council area outside of the City Centre Leisure Area	1

He said members could consider changing this number and the geography of the localities as part of the process of reviewing the policy. A possible option would be to extend the city centre leisure area to include St Augustine's Street.

The report included maps of the locality areas, including details of locations of schools, public houses, community centres, schools, sheltered housing schemes, health centres and parks. Members noted that Sir Isaac Newton Sixth Form and Norwich School were not on the maps and that the symbols for the sheltered housing schemes were smaller than that for pubs and it was therefore hard to appreciate the scale of some of the shelters housing schemes.

(Cllr Maxwell left the meeting at this point)

Members discussed the setting of numbers within the relevant localities. The environmental protection, licensing and markets manager explained that sex shops, sex establishments and sex cinemas could be separated out and numbers for each in each locality set separately. The cap on numbers set in each relevant locality would be included in the policy which would be in place for three years. Some members expressed concern that a restriction on numbers could increase the value of a Sexual Establishment licence or drive unlicensed activity underground.

The vice chair asked if officers could conduct research and look at similar cities and their Sex Establishment Policies for comparative data in order for the committee to make an informed decision. A member suggested the comparison could be made with the CIPFA (Chartered Institute of Public Finance and Accounting) statistical near neighbours, cities which were similar in size and demographic composition as Norwich.

This data should include; the rationale behind limits set in relevant authorities, any unforeseen consequences which had results as a consequence of setting a limit on numbers, the perspective of police in these areas in terms of the impact on crime and anti-social behaviour.

(Cllr Brociek-Coulton left the meeting at this point)

**RESOLVED** to:

- 1) ask the environmental protection, licensing and markets manager to add the Norfolk Safeguarding Children Board to the list of bodies advised of sex establishment applications as listed on page 55 of the policy;
- 2) extend the city centre leisure area to include St Augustine's Street from the junction of Pitt Street to the junction of Esdelle Street with the boundary placed through the centre of the street;
- 3) defer consideration of the draft policy in respect of sex establishments; and
- 4) ask the environmental protection, licensing and markets manager to conduct research on relevant cities which had set a maximum number of sex establishments in localities to provide context to the committee's decision.

**6. Standing item – Regulatory subcommittee minutes**

**RESOLVED** to receive the minutes of the regulatory subcommittee meetings held on 14 May, 11 June, 9 July and 13 August 2018.

CHAIR