



Lewes District Council

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Licensing Committee

Minutes of a meeting of the **Licensing Committee** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Monday, 20 December 2010** at 12.00noon

Present: Councillor C Butler (Chair)
Councillors M A Cutress, J F Daly and D H Mitchell

Officers Present:

Mr G Clark, Licensing Officer
Ms Z Downton, Committee Officer
Ms J Fletcher, Trainee Solicitor
Mr R Harris, Senior Legal Assistant
Mr E Hele, Principal Environmental Health Officer
Ms S Lindsey, Assistant Licensing Officer

	Minutes	Action
11	<p>Recommendations of the Licensing Committee – 15 October 2010</p> <p>The meeting on 20 December 2010 was inquorate and therefore the recommendations made at the inquorate meeting held on 15 October 2010 could not be considered further. The Committee noted that the recommendations were of those councillors who were present at the meeting and that all of the Licensing Committee members had been required to consider Report No 220/10 relating to the Review of Lewes District Council's Statement of Licensing Policy.</p> <p>It was noted that the recommendations made by those councillors who were present at the meeting had since been considered by councillors present at a meeting of the Council on 8 December 2010, where it had been resolved to adopt the Statement of Licensing Policy for a further three year period, to take effect from 7 January 2011.</p>	

12 Minutes

The Minutes of the meeting held on 15 October 2010 were approved as a correct record and signed by the Chair, subject to the inclusion of apologies for absence that were received from Councillor Howson and Councillor Butler but had not been noted at the meeting.

13 Apologies for Absence/Declaration of Substitute Members

Apologies for absence had been received from Councillors Bennett, Hallett and Howson.

14 Control of Sex Establishments within Lewes District

The Committee considered Report No 269/10 in relation to the request for councillors to recommend that Council adopt provisions that would enable Lewes District Council to licence and control sex establishments within the District and also to approve a draft Sex Establishments Policy.

The Licensing Officer took councillors through the Report and explained the background of the licensing legislation in relation to sex establishments.

Sex establishments, namely sex shops and sex cinemas were controlled and regulated by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act). The Schedule required all sex establishments to be licensed by the local authority. There were also other provisions within the Schedule that enabled the local authority to impose conditions and restrictions that would be attached to the licence and to hear objections to application for the grant, renewal and variation of a Sex Establishment Licence.

Section 27 of the Policing and Crime Act 2009, which came into force in May 2010, introduced a new category of sex establishment called a 'sexual entertainment venue'. A sexual entertainment venue was defined as "any premises at which relevant entertainment was provided before a live audience for the financial gain of the organiser or the entertainer". Premises that provided such relevant entertainment on an infrequent basis would continue to be regulated under the Licensing Act 2003 and would therefore require either a premises licence, a club premises certificate or a temporary events notice.

Any premises that provided relevant entertainment, as described in paragraph 1.4 of the Report, on more than eleven occasions within a twelve month period would be operating as a sexual entertainment venue and would have committed an offence under Schedule 3 unless the owner held a Sex Establishments Licence or the local authority had waived the requirement for such a licence. The Committee discussed the importance of informing the Chair of the Licensing Committee and relevant Ward Councillor of those situations where officers proposed to waive the need for a licence.

Schedule 3 of the Act gave local authorities wide powers to control the number and location of sex establishments, namely sex shops, sex cinemas and sexual entertainment venues, in their area. Those powers were not mandatory however, and would only apply where they were adopted by local authorities under Section 2 of the Act. Where adopted, those provisions would allow local authorities to refuse an application on potentially wider grounds than were permitted under the Licensing Act 2003 and would give local people a greater say over the regulation of sex establishments in their area.

The Licensing Officer explained that local authorities were not required to produce a licensing policy for sex establishments and it was noted that there were currently no premises in the District that possessed or required a Sex Establishment Licence. However, a policy for Lewes District had been drafted as it would act as guidance to councillors, officers, applicants and members of the public when and if applications for Sex Establishment Licences were received. A draft statement of licensing policy for sex establishments was set out at Appendix B of the Report.

Where an application was made for the grant, renewal, variation or transfer of a Sex Establishment Licence, the applicant would be required to pay a reasonable fee determined by the Council. The proposed level of fees for Lewes District were set out at Appendix A of the Report. The Licensing Officer explained that the application fee was in line with that set by other local authorities.

Once the Council had resolved to adopt the provisions of the Act, any opposed applications for a Sex Establishment Licence would be heard by the Council's Licensing Sub-Committee. Section 3 of the Report outlined the course of action required if the Council did not resolve to adopt the relevant provisions of the Act by 6 April 2011.

Resolved:

- 14.1** That the provisions of Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) and the Policing and Crime Act 2009 which enable local authorities to licence and control sex establishments (including Sexual Entertainment Venues) within their areas, be noted;
- 14.2** That the draft Sex Establishments Policy be amended to include the requirement for officers to notify the Chair of the Licensing Committee and Ward Councillor in writing of any applications received for a Sex Establishment Licence where it is proposed by an officer to waive the requirement for that licence;
- 14.3** That, subject to Resolution 14.2, the draft Sex Establishments Policy, as set out at Appendix B of Report No 269/10, be approved;
- 14.4** That Council be requested to adopt Section 2 and Schedule 3 of the

Senior
Legal
Assistant

CO

Act and approve the draft Sex Establishments Policy; and

- 14.5** That Council be requested to approve the fees as set out at Appendix A of Report No 269/10.

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15 Date of Next Meeting

Resolved:

- 15.1** That it be noted that the next meeting of the Committee will be called as necessary.

DPES/Cttee
Officer (to
note)

The meeting ended at 12.25pm

C Butler
Chair