

**EXTRACT FROM THE PROCEEDINGS OF THE LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS) MEETING HELD ON THE 24<sup>TH</sup> JUNE 2010****BRIGHTON & HOVE CITY COUNCIL****LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)****4.10pm 24 JUNE 2010****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors: Cobb (Chairman), Lepper (Deputy Chairman), Fryer, Hawkes, Kitcat, Marsh, Older, Phillips, Pidgeon, Simson, Smart, C Theobald, Watkins, West and Young

**Apologies:** Councillors Harmer-Strange, Hyde and Wrighton

**PART ONE****6. SEXUAL ESTABLISHMENT LICENSING POLICY PROGRESS REPORT**

- 6.1 The Committee considered a progress report of the Director of Environment the purpose of which was to update Members on the policy review which was being undertaken.
- 6.2 The Head of Environmental Health and Licensing, referred to the two previous update reports considered by the Committee on 5 February and 26 November 2009 which had detailed progress of the Policing and Crime Bill relating to sex establishments including lap dancing clubs. There was an existing policy on sex establishments, sex shops and sex cinemas which included standard conditions. That policy had been reviewed and extended to cover the new category of sex entertainment venues (lap dancing).
- 6.3 Councillor Simson stated that she welcomed the report. Limits were already in place to control these activities and she considered that there was a need to look at sex encounter establishments in a well governed way too. She considered that paragraph 2.2 which referred to the need for a political steer should be deleted. The Committee was non-political and there had been cross party agreement between Members in relation to the policies to be adopted, this recommendation was therefore superfluous.
- 6.4 Councillor Hawkes concurred, stating that the council should be proud of the pro-active stance it had taken in seeking to apply rigorous controls and to put down clear markers

that there was a presumption against setting up such establishments in certain locations e.g. close to schools.

- 6.5 Councillors Lepper and Marsh were also in agreement. Councillor Lepper was pleased to note how far this matter had progressed and that the policy was to be rationalised as part of the consultation process. She awaited the results of the consultation with interest.
- 6.6 Councillor Marsh agreed that paragraph 2.2 was unnecessary as all councillors gave a “steer” on various issues as part of their elected role, this did not need to be expressly stated.
- 6.7 The Head of Environmental Health and Licensing stated that recommendation had been included to facilitate debate and that he was happy to remove it if that was the wish of the Committee.
- 6.8 Councillor Kitcat stated that as this issue affected the city as whole and had wider ramifications than within the council itself, he considered that paragraph 2.2 should be retained as it could not be assumed that there was a consistent view. Councillor Cobb, the Chairman disagreed stating that the Committee itself was cross-party and non-political. A vote was taken subsequently and it was agreed by a majority of Members that paragraph 2.2 would be removed. Paragraph 2.3 then became paragraph 2.2.
- 6.9 Councillor Kitcat went on to say that he broadly welcomed the report although he considered that some of the comments contained within it were contradictory and confusing, (particularly as a fees report was not before the Committee that day). Although he was pleased to note that emerging issues for instance how this would affect LGBT premises, the need for an equalities impact assessment to be carried out and the manner in which premises putting on “burlesque” entertainment would be treated within the framework of existing policies and legislation. He cited Birmingham and Milton Keynes where the fees charged to establishments were considerably lower than in Brighton and Hove, he considered they were too high and should be considered as part of any review. He considered it was appropriate for the level of fees charged to licensed sex shops should be less than for sex entertainment venues. Councillor West concurred in that view.
- 6.10 The Chairman, Councillor Cobb stated that it would be inappropriate to discuss fees at that meeting as a report would be brought to a future meeting.
- 6.11 Councillor Kitcat whilst understanding there were timescales for consultation considered that Members needed to be fully involved in that process and was concerned that no “slippage” occurred, he was firmly of the view that Licensing Committee meetings needed to be held on a more regular basis than was currently the case.
- 6.12 The Head of Environmental Health and Licensing explained that reference to the results of the consultation process would be included in the report back to Committee at its next scheduled meeting in November 2010.

- 6.13 Councillor Simson referred to the number of sex entertainment venues currently operating in the city, querying whether there was already an extant permission for another. The Head of Environmental Health and Licensing explained that although a further permission had been given, which would make a total of 4, that permission had not been activated. In answer to further questions he explained that restricting the appropriate number to 3 would still provide sufficient flexibility for an exception to be made, if deemed appropriate.
- 6.14 Councillor Simson expressed concern regarding an adult shop situated in Ship Street where explicit material had been prominently displayed both in the shop window and on an A Board outside. The Head of Environmental Health and Licensing stated that further detailed work was taking place in relation to administration/enforcement to ensure that any restrictions applied were workable; this work would be encompassed within the overall review.
- 6.15 Councillor West stated that he was seeking to understand how this industry worked, as this was germane to formulation of the Council's policies and how they were applied. He had been informed that girls working in lap dancing and similar establishments canvassed customers for trade both within these premises and outside and that this was the nature of the trade.
- 6.16 Councillor Hawkes stated that she profoundly disagreed with such comments, given that a number of young women employed in the industry young and vulnerable, a number of the policies sought to protect them.
- 6.17 Councillor West stated that he did not hold a view regarding employment practices but considered that such matters should form part of the review.
- 6.18 Councillor Simson said that young ladies had been observed handing out cards advertising such clubs on occasion; it was more difficult to control activities once staff had left a premises. Agreed policies were intended to ensure that appropriate levels of control were in place. Councillor Smart stated that the policy document was clear on these issues.
- 6.19 Councillor C Theobald noted that the consultation period would run for 12 weeks a sufficient period for a range of comments to be received.
- 6.20 The Chairman stated that individuals had differing views and that these could be taken account of as part of the review consultation.
- 6.21 A vote was taken and it was agreed on a vote of 11 with 4 abstentions that paragraph 2.2 of the circulated report be removed, thus paragraph 2.3 would then become paragraph 2.2. A further vote was taken in respect of the remaining recommendations and Members voted unanimously that these be agreed.
- 6.22 **RESOLVED:**
- (1) That the Committee asks officers to bring the results of the consultation and the Sex Establishment Licensing Policy to the Licensing Committee in November 2010; and

- (2) That Full Council is recommended to pass a resolution specifying that amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to Brighton & Hove on a specified day at least one month after the day on which the resolution is made.

NB: The specified day will be 19 November 2010.