

DURHAM COUNTY COUNCIL

At a Meeting of **General Licensing and Registration Committee** held in Council Chamber, County Hall, Durham on **Thursday 28 April 2011 at 9.30 am**

Present:

Councillor C Carr (Chair)

Members of the Committee:

Councillors J Blakey, D Boyes, D Farry, J Gray, G Huntington, D Marshall, L Marshall, M Plews, J Shiell, D Stoker, O Temple, L Thomson and R Todd

Apologies:

Apologies for absence were received from Councillors B Arthur, J Bailey, D Barnett, D Bowman, D Brown, P Gittins, R Liddle, P May and A Wright

1 Declarations of Interest (if any)

There were no declarations of interest received.

2 The Minutes of the Meetings held on 27 October 2010 and 20 January 2011, and of the Special Joint Meeting held on 31 January 2011

The Minutes of the Meetings held on 27 October 2010 and 20 January 2011, together with those of the Special meeting held on 31 January 2011, copies of which had been circulated, were agreed as a correct record, and were signed by The Chair.

3 Sex Establishment and Sexual Entertainment Venue Licensing Policy

Consideration was given to the report of the Corporate Director, Neighbourhood Services which gave details of consultation responses on the draft Sex Establishment and Sexual Entertainment Venue Licensing Policy and recommended an amended policy for adoption by Council, a copy of which had been circulated.

The Licensing Team Leader reported that on 3 November 2010 the Council had resolved to adopt schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendment to this schedule provided by section 27 of the Policing and Crime Act 2009. The general effect of the amended schedule was to incorporate sexual entertainment venues such as pole dancing and strip clubs within the category of 'sex establishments' under the Act (previously this category only included sex shops and sex cinemas).

This policy fulfilled two principal purposes: it provided advice to businesses, operators and to the public on the Council's overall position with regard to the

licensing of sex establishments under the Act, and it also provided a decision making framework for the Council via its Licensing Committee to exercise its quasi judicial functions. The policy must therefore balance the legitimate needs of businesses with local controls and community interests together with the licensing authority's role in administering the licensing regime in accordance with the law. Failure to achieve the correct balance could lead to a policy being overly prescriptive and open to challenge, or ineffective in the protection of local residents.

The adoption of such a policy was not mandatory however, it was considered to be invaluable for the administration and promotion of an open and transparent licensing process. It had already been agreed by Council that a policy should be developed for adoption and be published prior to 13 June 2011.

Subject to specified exemptions, it would be unlawful to provide this type of entertainment in County Durham after 13 December 2011 (the "third appointed day") unless a licence had been granted or had been applied for before that date and was still under consideration.

A draft policy was subject to a countywide consultation exercise between 21 December 2010 and 11 March 2011. Copies of the draft policy were sent to all holders of premises licences allowing the on-sales of alcohol, club premises certificates, the statutory responsible authorities under the Licensing Act 2003, local MPs, Councillors, Parish and Town Councils, and the Area Action Partnerships.

The draft policy was also widely advertised in the local and regional press, and was available for comment on the Council's website.

A total of 19 responses were received. The schedule of responses was attached to the report at Appendix 2 and a copy of the final version of the amended policy was attached at Appendix 3.

In discussing the draft policy, a Member referred to the schedule of responses and the reference made to 'wide and effective consultation of local people and schools' and that this would be addressed by publicising any application received on the Council's website. The Member was concerned that this would not ensure sufficient publicity and it was therefore suggested that ward members be notified in writing on receipt of an application.

Following discussion it was **RESOLVED** that

- (1) The summary of consultation comments as outlined in Appendix 2 be noted
- (2) Ward Members be notified in writing on receipt of an application
- (3) The amended policy as attached at Appendix 3 be submitted to Council for adoption.