

LICENSING APPLICATIONS COMMITTEE MINUTES - 27 OCTOBER 2010

Present: Councillor Skeats (Chairman);
Councillors Beard, Duveen, Edwards, Gittings, Hussain, Jones, Lockett and Page.

Apologies: Councillors Chowdhary, Goodall, T Harris and Livingston.

RESOLVED ITEMS

2. MINUTES

The Minutes of the meetings held on 23 March 2010 and 25 May 2010 were confirmed as correct records and signed by the Chairman.

3. REGULATION OF SEXUAL ENTERTAINMENT VENUES

The Acting Interim Director of Environment, Culture and Sport submitted a report asking the Committee to review and approve the final policy, terms, fees and conditions regarding the licensing of Sexual Entertainment Venues. A copy of the proposed Sex Establishment Policy, Regulations and Conditions relating to Sexual Entertainment Venues was attached to the report at Appendix I, a letter from Royal Berkshire Fire and Rescue as attached to the report at Appendix II and emails from Councillor Tickner and Mr J Ratip (The Jazz Club) were attached to the report at Appendices III and IV respectively.

The report stated that currently the only control over sex encounter premises was the requirement to obtain a Premises Licence under the Licensing Act 2003, in the same way that a pub or nightclub had to be licensed to sell alcohol and provide entertainment. No special provisions had been made in the 2003 Act for Sexual Entertainment Venues. If an application was submitted to the licensing authority for a Premises Licence the authority had to grant the licence subject to certain mandatory conditions and if relevant representations were made by interested parties then the authority could, following a hearing, impose other conditions or reject the application. However, even then it would only be able to do so where such a step was necessary to promote one of the four licensing objectives. The new legislative controls available to the Licensing Authority would strengthen the role that local communities could play in deciding whether a Sexual Entertainment Venue was inappropriate for the locality. The aim was to bring the licensing of Sexual Entertainment Venues inline with other "Sex Establishments" such as "Sex Shops" and "Sex Cinemas" and to recognise that local people had legitimate concerns about where such premises were located.

The report explained that the amendments to the Policing and Crime Act 2009 would permit licensed premises to hold some events without being licensed; sub paragraph (3) of the Act specified which venues were not sexual entertainment venues for the purpose of the schedule and included sex shops and sex cinemas.

Consultations had been carried out regarding the proposed policy, terms and conditions and a total of three responses had been received from Royal Berkshire Fire and Rescue, Councillor Tickner and The Jazz Club, Abattoir Road, Reading.

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The report stated that the proposed fees were £2,500 for an application for a grant or variation of a Sexual Entertainment Licence and £2,000 for an application to renew a Sexual Entertainment Licence. The fees had been calculated to recover the cost of implementing, licensing and enforcing the changes to the amendment to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

The Committee discussed the report and the proposed Sex Establishment Policy and proposed Regulations and Conditions relating to Sexual Entertainment Venues and a number of amendments to the policy and conditions were agreed as follows:

- The section on planning in the proposed Sex Establishment policy should be expanded to more closely reflect the planning section in the Licensing Policy Statement;
- With regard to the minimum distance between seated customers and the dancers it was agreed that this should be increased to 1m compared to the distance of 50 cm that had been proposed in the conditions;
- The Committee acknowledged that the town centre differed from the rest of the Borough in terms of the varied night-time economy and entertainment area and agreed that the number of Sex Entertainment Venues that had been suggested for the town centre should be increased to two;
- That a full stop should be added after the word 'money' in point 12 of the Conditions of Licence relating to the provision of Lap Dancing and the words 'at or otherwise give gratuities to the performers' should be deleted;
- Finally, the Committee agreed that the name of the company that owned the venue should be displayed near to the entrance of the premises so that customers who wanted to make a complaint about the venue would know who to contact.

Resolved -

- (1) That the proposed policy, terms, fees and conditions, as detailed in the report, be adopted subject to the amendments suggested by the Committee, as detailed above;
- (2) That the Head of Environment and Consumer Services be authorised to determine renewal applications for Sexual Entertainment Licences when no objections had been received.

(The meeting started at 6.30 pm and closed at 7.21 pm.)