

## LICENSING COMMITTEE

23 July 2013

### Present:

Councillor Keith Owen (Chair)

Councillors Dawson, Choules, Clark, D J Henson, Laws, Macdonald, Newby, Pearson, Ruffle, Shiel and Tippins

### Apologies:

Councillors Payne and Winterbottom

### Also present:

Assistant Director Environment, Corporate Manager - Legal, Solicitor, Principal Licensing Officer and Democratic Services Manager (Committees)

#### 13 **Minutes**

The minutes of the meeting held on 26 March 2013 were taken as read and signed by the Chair as a correct record.

#### 14 **Declarations of Interest**

No declarations of interest were made by Members.

#### 15 **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part I, Schedule 12A of the Act.

#### **TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16**

#### 16 **Application for a Hackney Carriage Vehicle Licence (Mr JS)**

**RESOLVED** that Mr JS's application be refused.

(Report circulated to Members)

#### 17 **POLICY IN RELATION TO THE LICENSING OF SEX ESTABLISHMENTS**

The Assistant Director Environment identified a small number of typographical errors in the Policy, which were highlighted and corrected.

The Assistant Director Environment presented the report to seek the Licensing Committee's approval of the draft Exeter City Council Sex Establishment policy. The issue has been the subject of a widespread public consultation. A total of 169 replies had been received.

Members were advised that the consultation revealed that most respondents supported the adoption of a policy in relation to Sex Establishments, together with the means to regulate the management and ownership. The majority of respondents felt that there were no localities within Exeter that were appropriate for Sex Entertainment Venues (SEV's) and Sex Cinemas whilst a smaller majority felt that there were no localities within Exeter that were appropriate for Sex Shops. However, many respondents made a clear differentiation between SEV's /sex cinemas, and sex shops, the latter being a predominantly day-time retail operation visited by single customers, whilst the former being predominantly evening entertainment operations visited by groups of customers.

Large majorities considered that Sex Establishments were unsuitable near specific types of premises such as Schools and places of worship.

The draft policy had taken into account the emerging outcomes of the Council's draft City Centre Strategy and Culture Strategy which seek to improve and widen what the city centre was offering in order to encourage a wider cross-section of the public to visit, and feel at ease. The draft policy also took into account the Core Strategy which aimed to enhance retail, cultural and tourist facilities in the City Centre. In taking these broad strategic aims into account, the Council felt that the presence of SEV's and sex cinemas within the City Centre was not compatible with these strategic aims.

Proposed policy 7 stated that the two localities which were appropriate for sex shop were Fore Street and Sidwell Street and the appropriate number in each locality was one. The draft policy stated that the Council had been unable to identify and appropriate locality for either SEVs or Sex Cinemas. It remained open to any applicant to demonstrate to the Council that there was an appropriate locality which had not been previously identified by the draft policy; the Licensing Committee needed to have an open mind to each application, and make an exception from policy when there was cause to do so.

In response to a Member, the Assistant Director Environment clarified that should an application for a SEV be submitted it would be for the Licensing Committee to determine. Should the Committee be minded to approve any such application they would be able to make further bespoke conditions where necessary as well as the standard conditions in the draft policy.

The majority of Members supported the policy and the Committee thanked all the officers involved for their hard work in drafting the policy.

**RESOLVED** that the Sex Establishment Licensing Policy as set out in Appendix A be adopted.

(Report circulated)

The meeting commenced at 5.30 pm and closed at 6.15 pm

Chair