

Impact of the proposed changes on the Regulatory Team

1. Changing the policy

- Should the 'nil cap' proposal be accepted the current policy will require rewriting to ensure that the amendment is included. The policy continues to apply to Sex Cinemas or Sex Shops but would not extend the cap to these premises.

It would take a number of hours of officer time and consultation with legal representatives to ensure the correct wording for the amended policy. It is advised that we seek Counsels opinion prior to amending the policy.

- The consultation that has taken place in order to support the proposal of a 'nil cap' on Sexual Entertainment Venues may be adequate to prevent the need for the policy to be sent out for public consultation but we should obtain advice on this point if there is any doubt as a failure to follow the correct procedure could result in a successful challenge and a costs award against the Council. Should any other changes be made to the policy a public consultation would be required. The public consultation would last for a period of 12 weeks.

2. Procedures and processes regarding the receipt of an application

- If the nil cap was introduced for the Sexual Entertainment Venues this would have very little impact on the workload of the officers of the Regulatory (Licensing) section. We would still be required to accept all valid applications.
- The premises are required to advertise their application on their premises for 21 days and in the paper within seven days of their application.
- The officers of the team would be required to process each of the objections. This would include logging each of the objections and ensuring that they are informed of the date of the hearing. Last year, the team received over 300 objections.
- If no objections are received under the current scheme of delegation, officers have the authority to grant the licence. However if objections are received a hearing would need to be called to determine the application.
- With a 'nil cap' in place, the application would not meet the requirements of the policy and officers would inform the applicant that they were minded to

refuse the application. This would result in a committee hearing being called of the full Licensing and Regulatory Committee in order to determine the application.

- A report would be produced for the committee which would include all of the received objections. Each of the objections would need to be redacted to remove the names and addresses of the objectors.
- At the hearing the committee would need to assess the application on its individual merits.
- The applicant or objectors may judicially review the decision made by the committee should they feel it was not made appropriately, i.e. with predetermination etc.
- The processing of the SEV application received last year took two Business Support Assistants and two Licensing Officers a total of 26 working days to process the application and present it to the committee.