

REGULATORY COMMITTEE

Minutes of the meeting held on Thursday 24 May 2012 at Town Hall, Royal Leamington Spa at 2.30 pm.

PRESENT: Councillors; Mrs Gallagher, Gill, Davies, Illingworth, MacKay, Pratt, Shilton, Weed and Wreford-Bush.

Apologies for absence were received from Councillor Goode.

1. **SUBSTITUTES**

Councillor Davies substituted for Councillor Mrs Higgins.

2. **APPOINTMENT OF CHAIRMAN**

It was proposed and duly seconded that Councillor Mrs Goode be appointed Chairman for the ensuing municipal year.

An amendment was proposed, and duly seconded that Councillor Pratt be appointed Chairman.

A vote was taken on the amended proposal and was carried 6 votes to 3. Therefore, the original motion was lost and a second vote was taken on the substantive motion.

This motion was carried 6 votes to 3.

RESOLVED that Councillor Pratt be appointed Chairman for the ensuing municipal year.

3. **APPOINTMENT OF VICE CHAIRMAN**

It was proposed and duly seconded that Councillor Mrs Gallagher be appointed Vice-Chairman for the ensuing municipal year.

An amendment was proposed, and duly seconded that Councillor Mrs Good be appointed Vice-Chairman.

A vote was taken on the amended proposal and was lost 3 votes to 5. Therefore, the original motion stood and a second vote was taken and won 5 votes to 3.

RESOLVED that Councillor Mrs Gallagher be appointed Vice Chairman for the ensuing municipal year.

4. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5. **SEX ESTABLISHMENT POLICY**

The Committee received a report from Licensing Services following a recent request by Members to review the existing Sex Establishment Policy.

The Licensing Services Manager, David Davies, introduced the report and reminded members that following the recent application for a Sex Establishment Licence for Amara in Leamington Spa, queries had been raised regarding certain areas of the policy.

The main concern centred around the continued debate regarding the Location of Premises. This often resulted in differing opinions, especially when describing a 'residential area', in paragraph 3.2 (a) of the Policy.

Members suggested that this phrase be clarified further, either with a description of types of or number of dwellings.

David Davies explained his recommendation for leaving the Policy as written and distributed notes detailing relevant points to all members. The points included clarification on Nil Caps, Home Office Guidance and other authorities' policies. Mr Davies also reminded members that the policy should be used as a guide and was not exact. He felt that by adding tight definitions, it would take away from the Committee's judgement and leave decisions open to challenge.

Mr Davies also highlighted the importance of judging an application on its' individual merits and advised that they should not be making a political decision.

Councillor Wilkinson addressed the committee and stressed the importance of setting a Nil Cap. He explained that this would not affect existing operators and would only affect new applications. He assured members that a Nil Cap could work effectively, as had been shown at North Tyneside and Hackney councils. 14 other local authorities had introduced a nil cap and it seemed it could be imposed with minimal exposure to challenge. He stated that it was the right time to propose a nil cap and to put it out for public consultation as per the correct democratic process.

As Portfolio Holder for Development Services, Councillor Coker asked members to be mindful of all of the information before them and to give this careful consideration. He accepted the fact that these premises were legal under the law and applications deserved a fair hearing, despite individual's moral standing.

Councillor Coker reminded members that the Policy was to be used as guidance and was not binding, therefore, it gave room for discretion and objectivity to be used.

The Committee were divided in their decisions with some feeling that this should not be political and that personal feelings should not affect their decision.

However, other members felt strongly that the District should avoid encouraging SEL's in certain areas because it had the ability to bring down an areas reputation.

The Chairman, Councillor Pratt, reminded the Committee that each licence was only valid for 12 months, could be revoked if necessary at any time and was not cheap to apply for.

It was proposed, and duly seconded, that officers be authorised to investigate setting caps on certain Wards of the District and that the Policy be revisited. This proposal was lost 3 votes to 5.

It was therefore proposed, and duly seconded, that the recommendations be agreed as printed with paragraph 3.2 a) of the policy to be clarified further by officers.

RESOLVED that

- (1) the current Sex Establishment Policy remain unchanged as the accepted guidance document; and
- (2) paragraph 3.2 a) of the Policy be clarified further with regard to the definition of 'residential areas'.

6. REVIEW OF COMMITTEE PROCEDURES

The Committee received a report from Civic and Committee Services that outlined some procedural considerations for the Committee when handling Sex Establishment Venue Licences, following some of the previous applications that had been considered.

This report was brought forward at the request of the Chairman, Councillor Pratt, because concerns had been raised about the operation of the last Regulatory Committee meeting including the seating arrangements for members.

The amended procedures explained that any individual wishing to address the meeting should register themselves with Committee Services as per the procedure for Planning Committee. It was felt that this would ensure consistency when organising meetings and assist the Committee Officer to facilitate running the meeting smoothly.

The report also advised that when deliberating the decisions for Sex Establishment Venue applications, this should be done in the public domain as per other meetings, because it was unlikely that the information in the report or decision would fall under Section 12A of the Local Government Act 1972.

Having read the report and having heard from officers, the Committee were satisfied that some subtle alterations to detail had already taken place to procedures and wording and gave their approval for these to enable the Committee to run more efficiently.

RESOLVED that the procedure be amended to include:

- a) the requirement to register to speak be introduced for Sex Establishment Licences as per Planning committee but without a limit on length of submission;
- b) a set alphabetical seating plan be introduced;
- c) deliberations be held in the public domain; and
- d) site visits be undertaken to the location of the establishment, if applicable, which the Chairman will decide on and will be attended by the Committee, Legal Officer, Committee Officer and Licensing Officer.

(The meeting finished at 4.00pm)