

NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING AND APPEALS COMMITTEE

**Minutes of a meeting held in the Council Offices, Gernon Road, Letchworth Garden City
on Wednesday, 16 January 2008 at 7.30p.m.**

MINUTES

PRESENT: *Councillors: P.C.W. Burt (Chairman), Tom Brindley, Paul Clark, J.M. Cunningham, Lorna Kercher, Mrs J.I. Kirby, Marilyn Kirkland, & M.E. Weeks.*

IN ATTENDANCE: *Head of Housing & Environmental Health, Licensing & Enforcement Manager, Licensing & Enforcement Officer (East), Licensing & Enforcement Officer (West), Senior Lawyer and Senior Committee & Member Services Officer.*

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Bardett, D.J. Barnard and Gary Grindal.

2. MINUTES

RESOLVED: That the Minutes of the Committee held on 2 October 2007 be approved as a true record of the proceedings and signed by the Chairman.

3. NOTIFICATION OF OTHER BUSINESS

There was no notification of other business.

4. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that any declarations of interest in respect of any business set out in the agenda should be declared as either a prejudicial or personal interest, and that they required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a prejudicial interest should leave the room and not seek to influence the decision during that particular item.

The Chairman invited the Head of Housing & Environmental Health to address the Committee. The Head of Housing & Environmental Health advised Members that, due to some further work that was needed, the provisional date for a meeting of the Committee on 7 April 2008 was no longer required.

5. PUBLIC PARTICIPATION

There was no public participation.

6. PROPOSED SEX ESTABLISHMENT POLICY 2008-2011

The Head of Housing & Environmental Health presented a report seeking the Committee's endorsement of the Council's proposed Sex Establishment Policy, prior to consideration of the Policy by Cabinet on 29 January 2008. The following appendices were submitted with the report:

Appendix A – Schedule of comments received during consultation, including recommendations;

Appendix B – Proposed Sex Establishment Policy.

The Head of Housing & Environmental Health clarified that the licensing of sex establishments only related to sex shops and sex cinemas, and was not a process for licensing premises such as brothels or sexual encounter establishments. He commented that the licence fee for a sex establishment was £5,250 per annum, and that currently there was only one such establishment in the District, located in Hitchin.

The Head of Housing & Environmental Health, assisted by other officers, answered a number of questions raised by Members in respect of general issues regarding the licensing of sex establishments, and the robustness of the consultation exercise carried out regarding the proposed Policy.

The Committee considered the proposed Policy, and made the following comments/suggested amendments:

- (a) Paragraph 1.3.1 – “Current Premises” – it was agreed that this paragraph should be deleted, as there was no need to identify in the Policy the location of the one sex establishment in the District;
- (b) Paragraph 2.4.3 – “In considering all applications for renewal of a Sex Establishment licence the Council will take into account: (a) Levels of related crime and disorder in existing or proposed area of the Sex Establishment” – consideration to be given to the re-wording of (a), to clarify the intention of this statement;
- (c) Paragraph 6.1.2 (b) – “Proposed Operation and Management” – replacement of the words “the highest” with the word “high”.

RESOLVED: That the proposed Sex Establishment Policy, as attached at Appendix B to the report, as amended, incorporating the results of the public consultation exercise, be supported.

RECOMMENDED TO CABINET: That the proposed Sex Establishment Policy, as attached at Appendix B to the report, as amended, be approved.

REASON FOR DECISION: To ensure that the trade and the public have a document which fully explains the licensing process, and to ensure consistency of approach by officers enabling fairness to the trade. The proposed policy aims to strike a balance that will be both fair to the trade, whilst offering adequate protection to the public.

The meeting closed at 8.05pm.

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Chairman