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Meeting	Gambling, Licensing & Regulatory Committee
Date	13 September 2016
Present	Councillors Douglas (Chair), Aspden, Crisp, Funnell, Hayes, Hunter, Mason, Mercer and D Myers
Apologies	Councillors Boyce, D'Agorne, Gillies, Gunnell, Orrell and Richardson

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## **7. Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

Councillor Mason declared a personal interest in agenda item 4 – Renewal of Sex Establishment Licence for Black Orchid, as the manager of the complex which included the Black Orchid previously managed an establishment with which his company had a contract, although the establishment concerned was not a sex establishment.

## **8. Minutes**

Resolved: That the minutes of the meeting held on 11 July 2016 be approved as a correct record and then signed by the Chair.

## **9. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

## **10. Renewal of Sex Establishment Licence for Black Orchid (1st Floor Tokyo), 3-5 Toft Green, York**

Members were asked to determine an application for the renewal of a Sex Establishment Licence for a sexual

entertainment venue which had been made under the Local Government (Miscellaneous Provisions) Act 1982 (as amended), Schedule 3 Control of Sex Establishments, in respect of Black Orchid (1<sup>st</sup> floor, 3-4 Toft Green, York, YO1 6JT).

In coming to their decision, Members took into consideration all the evidence presented to them including:

1. The application form.
2. The Licensing Manager's report and her comments made at the meeting. It was noted that this was a renewal of an existing licence and that no objections to the application had been received. The Licensing Manager clarified that, as this was an application for renewal of a licence there would be no change to the existing hours of operation. The applicant would be required to submit an application for a variation of a licence should they wish to amend these hours.

In respect of the proposed licence, the Committee had to determine whether to take any of the steps mentioned under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) that it considered necessary.

Members considered the following options:

- Option 1: Renew the Licence.
- Option 2: Renew the licence with modified/additional conditions imposed by the Licensing Gambling and Regulatory Committee.
- Option 3: Reject the renewal application.

Resolved: That Members agreed Option 1 to renew the Licence.

Reason: This was a renewal of an existing licence and no objections had been received.

## 11. Licensing of Sex Establishments - Review of Licensing Policy

Members considered a report which sought their approval to formally consult on a proposed revised Licensing Policy which related to the licensing of sex establishments within the authority area.

Members were informed that, at the request of the committee, a review of the Council's Licensing Policy on Sex Establishments had been carried out. A Working Group, including Members, had been established and had looked at best practice in other authorities, visited two establishments and carried out consultation with interested parties and the wider public. The feedback from the consultation had informed the draft revised policy. Members were informed that the draft revised policy was more robust than the existing policy. Attention was drawn to the conditions with which establishments would be required to comply.

Members gave particular consideration to the following issues:

- (i) Locality - Members agreed that it would not be appropriate for a sexual entertainment venue to be sited outside of the Cumulative Impact Zone. The CIZ was clearly defined and was an area in which the late night economy was focussed.
- (ii) Numerical Control – Members noted that there was provision within the Act which enabled the Council to impose a numerical control on the number of sex establishments in a particular locality. Members agreed that the draft revised policy should set this figure at **two** in relation to sexual entertainment venues.
- (iii) Schedule of Delegation (Appendix B) – Members were asked to consider how those applications which were unopposed should be dealt with. They agreed that unopposed applications should be delegated to officers but that Members of the committee should be notified of all such applications for information.

Members noted the proposed consultees and that their comments would be considered before the final draft policy was presented to the committee for approval. Arrangements could

also be made for committee members to visit an establishment if required.

Resolved: That, subject to the agreed amendments detailed in (i) to (iii) above, the draft revised Licensing Policy be approved for consultation.

Reason: To enable the Council to formally consult on the draft revised Licensing Policy.

## **12. Chair's Comments**

The Chair drew Members' attention to an Institute of Licensing training session on "Licensing Hearings and Safeguarding" that was being held at West Offices on 23 September 2016. Details of the event had been emailed members of the committee. The Chair and Vice-Chair would be attending the session and would be willing to feedback to other Members if required.

Councillor Douglas, Chair  
[The meeting started at 4.00 pm and finished at 4.35 pm].