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Meeting	Gambling, Licensing & Regulatory Committee
Date	6 February 2017
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Crisp, D'agorne, Funnell, Gillies, Hayes, Hunter, Mason, Mercer, D Myers and Richardson
Apologies	Councillors Gunnell and Orrell

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### **19. 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. None were declared.

### **20. Minutes**

Resolved: That the minutes of the meeting held on 7 November 2016 be approved as a correct record and then signed by the Chair.

### **21. Public Participation**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on the following item:

#### 5. Unmet Demand Policy

Mr Saf Din spoke on behalf of the York Hackney Carriage Association in support of the Unmet Demand Survey. He suggested that the timescale be reviewed so that the survey would take place on a 5 yearly cycle, in order to save on costs. He also requested that the results be shared with the Taxi trade once available.

### **22. Renewal of Sex Establishment Licence**

Members considered a report seeking determination of an application to renew a Sex Establishment Licence for a Sexual Entertainment Venue (SEV) which had been made under the Local Government (Miscellaneous Provisions) Act 1982,

Schedule 3 Control of Sex Establishments in respect of Upstairs (Mansion), 53-55 Micklegate, York, YO1 6LJ.

The Licensing Officer provided a brief background to the application and in response to Member questions stated:

- The 'premises' only referred to the area of the building where licensable activities take place. As such the condition of dressing areas and rest areas cannot be given consideration as part of the application for a licence renewal.
- Staff welfare would be covered within the new Sex Establishment Policy.
- During the drafting of the new policy several councils had been consulted in order to look at best practice and the new policy was robust and comprehensive.

Legal officers clarified that there would have to be clear grounds for refusal of this application. It had to be considered against the current policy and due weight should be given to the fact that a previous licence had been granted and no complaints had been received in that time.

During debate Members raised concerns surrounding the working conditions of staff, the issue of earlier opening hours on race days and the general state of the building.

Resolved: Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.

In coming to their decision of approving the above Option 2 the Committee imposed the following additional condition:

Dancers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times. The documents detailed in this condition will be displayed in the dressing rooms.

Reason: To consider renewal of the sexual entertainment licence as required by the legislation.

## **23. Unmet Demand Policy**

Members considered a report seeking approval to undertake an unmet demand survey in relation to hackney carriage provision within the authority area.

Officers provided a brief background to the report and in response to Member questions they stated:

- The Council was following Department for Transport (DfT) guidance in conducting an Unmet Demand Survey every three years. To not do so could leave CYC open to legal challenge.
- The Licensing Department had written to two York MP's asking them to lobby parliament in relation to Taxi Licensing.
- If the survey did show there was a need to issue new licences, CYC could stipulate that these be wheelchair accessible vehicles.
- In response to points raised by the public participant, Officers clarified that the results of the survey would be brought before this Committee and would therefore be publicly accessible.

Resolved: That Members authorise officers to engage a transport consultancy to undertake an unmet demand survey, and once completed bring the results of the survey to this committee.

Reason: To allow the Council to undertake an unmet demand survey, in line with best practice guidance issued by the Department for Transport (DfT), in relation to the provision of the hackney carriage service.

## **24. Licensing of Sex Establishments - Licensing Policy**

Members considered a report seeking support for the approval of the Council's Licensing Policy, relating to the licensing of sex establishments. It advised them of the consultation undertaken and the amendments made to the draft policy following the consultation.

Officers gave Members a brief background to the report. It was reported that North Yorkshire Police had responded to the consultation and, taking into account their comments, the policy had been amended to state that variations would come to committee, rather than being delegated to Officers.

Members stated that they felt it was important that all applications relating to Sex Establishments came to either Committee or a sub-committee. The Licensing Officer stated that the schedule of delegation at Appendix B (page 18) of the policy would be updated to reflect this.

Resolved: That the policy be approved, subject to the amendments to the schedule of delegation, and it be recommended to the Executive that the Licensing Policy be adopted.

Reason: To allow the Council to introduce a more robust Licensing Policy relating to the licensing of sex establishment.

Councillor Douglas, Chair

[The meeting started at 4.00 pm and finished at 5.00 pm].