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Meeting	Gambling, Licensing & Regulatory Committee
Date	18 June 2018
Present	Councillors Lisle (Chair), Funnell (Vice-Chair), Cullwick, Hayes, Hunter, Reid, Richardson, D Taylor, K Taylor and Wells
Apologies	Councillors Boyce, Douglas, Mason, Mercer and Pavlovic

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### **1. 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. Councillors Lisle, Richardson, D Taylor and K Taylor declared a personal non prejudicial interest in item 4. No further interests were declared.

### **2. Minutes**

Resolved: That, subject to Cllr Lisle's declaration of interest being added in relation to item 4, the minutes of the meeting held on 21 May 2018 be approved, and signed by the Chair as a correct record.

### **3. Public Participation**

It was reported that Andrew Whinney (Applicant for the renewal of a Sex Establishment ) had registered to speak in relation to item 4.

### **4. Renewal of Sex Establishment Licence for Upstairs (Mansion), 53-55 Micklegate, York, YO1 6LJ**

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 Manager advised that the application was for the renewal of a Sex Establishment Licence in line with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, which allowed local authorities to regulate lap dancing clubs and similar venues. She outlined the report and annexes, noting the opening hours of the venue. She reported that consultation had been carried out correctly and that one objection had been received from North Yorkshire Police (included at Annex 5 of the report).

The Licensing Manager clarified that North Yorkshire Police did not oppose the renewal of the Sex Establishment Licence, however, they were opposed to the extension of hours on York race days, especially allowing sexual entertainment to begin at 18:00 hours. In their objection, North Yorkshire Police had asked the Committee to adhere to the City of York Council policy and prevent sexual entertainment taking place prior to 21:00 hours. The Licensing Manager then outlined discretionary grounds for the refusal of an application for a sex establishment licence.

In response to questions raised, the Licensing Manager confirmed that the venue's current opening hours had been in place for the past three years and that there had been no complaints from members of the public to the Council concerning the venue.

Following the Licensing Manager's update, the applicant, Andrew Whitney, then spoke in support of the application for the licence renewal. He explained that after taking over the premises he applied for a Sex Establishment Licence in 2012 which included opening at 18:00 hours on York race days. He outlined the contribution made by the venue to the race day economy and the three different types of race goers attracted to the venue on race days. He then noted that in the past five years of renewing the licence there had never been any objections from the Police and he outlined objections that had been made by other parties in the past at renewal stages. He added that this was the first objection under the new policy and suggested that had there have been any incidents at the venue between 18:00 hours and 21:00 hours, the Police would have raised an objection at the time of the previous renewal applications. He explained that opening at 18:00 hours on race days allowed staff the opportunity to start their shifts earlier or later.

Members asked Mr Whitney a number of questions to which he responded that:

- 30% of business was between 18:00 hours and 21:00 hours. He referred to an appeal in 2012 which the Licensing Manager then clarified related to a Premises Licence.

- The premises could open at 18:00 hours with the Sex Establishment Venue (SEV) in operation from 21:00 hours. He explained that the nightclub (Mansion) and SEV (Upstairs) were kept separate.

Members were reminded by the Senior Solicitor of the option to exclude the press and public when deliberating, however, as there was no exempt information before them Members could debate in public in this case. Members were content that the matter could be debated in public.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

Option 1: Grant a renewal of the licence as requested.

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

Option 3: Refuse the application for renewal on one of the mandatory grounds or on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Resolved: That, in accordance with Option 1, Members grant a renewal of the licence as requested.

Reason: To consider renewal of the sex establishment licence as required by the legislation.

## **5. Renewal of Sex Establishment Licence for The Adult Shop, 70B Gillygate, York, YO31 7EQ**

Members considered a report which sought the determination of an application to renew a Sex Establishment Licence for a sex shop which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ.

The Licensing Manager outlined the report and annexes.

By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local

Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee had the following options available to them in making their decision:

Option 1: Grant a renewal of the licence as requested.

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

Option 3: Refuse the application for renewal on one of the mandatory grounds or on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Resolved: That, in accordance with Option 1, Members grant a renewal of the licence as requested.

Reason: To consider renewal of the sex establishment licence as required by the legislation.

Cllr S Lisle, Chair

[The meeting started at 4.00 pm and finished at 4.37 pm].