

Licensing Committee

Meeting held 23 November 2017

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge, Neale Gibson, George Lindars-Hammond, Andy Nash and Mick Rooney

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**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Lisa Banes, David Barker, Jack Clarkson, Dawn Dale, Kieran Harpham, Adam Hurst, Gail Smith and Cliff Woodcraft.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. SEX ESTABLISHMENT POLICY (INCORPORATING SEX SHOPS, SEX CINEMAS AND SEXUAL ENTERTAINMENT VENUES) - APPROVAL**

4.1 The Chief Licensing Officer submitted a report informing Members of the results of the consultation process undertaken on Sheffield City Council's new Sex Establishment Policy (incorporating Sex Shops, Sex Cinemas and Sexual Entertainment Venues) and seeking approval of the final updated Policy for implementation with effect from 1<sup>st</sup> January, 2018.

4.2 Claire Bower, Licensing Strategy and Policy Officer, outlined the updated Sex Establishment Policy which was attached at Appendix "A" to the report. She referred to the consultation process which had been carried out over the past 12 months, beginning on 21<sup>st</sup> November, 2016. She stated that the process had been conducted in three stages, the outcome of which had offered very differing views. She said a pre-consultation stage was carried out which involved holding a number of workshops. These were attended by Members of the Licensing Committee, existing sex establishment licence holders, religious establishments, schools and equality groups. The first stage had been carried out over a seven week period and comments were invited via email and post to the City Council's consultation hub, Citizen Space. She said that 82 responses had been received from South Yorkshire Police, local businesses, elected Members and a Member of Parliament, equality and religious groups and local residents and the majority of comments were against the policy and against sex establishments and a large number requested a nil cap. As a result of the comments received, the Draft Policy was amended. The second stage of the consultation process was then carried out over a four week period during March, 2017, 47 responses were

received in total. Claire Bower said that, this time, the majority of responses received were in favour of the policy, some respondents even said that it was too strict. No complaints had been upheld against existing SEV premises, nor had any issues been identified by the Sheffield Safeguarding Children Board and South Yorkshire Police. An overview of the consultation responses received following Stage 1 and Stage 2 of the process were attached at Appendix "B" to the report.

- 4.3 Claire Bower then referred to a questionnaire which had been carried out with performers at one of the sexual entertainment venues. She stated that there was only one negative comment out of 25 responses received, and none of the responses highlighted any worries from the performers themselves. The questionnaire results were attached to the report at Appendix "C".
- 4.4 Claire Bower then referred to research articles that had been carried out and stated that, in New York when there had been zero tolerance to SEVs, this had a negative impact and forced such activities underground.
- 4.5 In response to questions from Members of the Committee, Claire Bower stated that the Licensing Service had only been able to approach the dancers through Spearmint Rhino, not directly, and although it would have been possible to contact the dancers directly, there had been no evidence to suggest that the responses had been filtered. Claire Bower also confirmed that there was the option for performers to respond to the questionnaire in a confidential manner, without the business they were employed by being informed. Leo Charalambides, Legal Adviser to the Committee, advised that each application would be considered on its own merits i.e. the suitability of the applicant, the situation of the premises, the intended use of the premises, the character of the surrounding area and the number of SEVs already in the city. He added that, due to the fact that the SEV licence comes up for review annually, not pre-determining specific areas in fact affords greater flexibility in terms of looking at any population changes, movement, regeneration, etc., which could all be taken into account when considering a licence application. Mr Charalambides explained how applications for a licence could still be received, even if a nil policy were in place, with each case being required to be considered on its own merits. The policy in its current form affords maximum flexibility to Members, meaning they can exercise their discretion to a greater degree when determining the 'relevant locality' and its 'suitability', in accordance with the legislation. It also ensures they consider these factors to their fullest extent, meaning any decision to refuse an application is comprehensive and robust. Mr. Charalambides confirmed that 'adult magazines' could be lawfully sold anywhere, however R18 films would require the relevant licence. Steve Lonnia, Chief Licensing Officer, informed Members that the policy would be kept under review at all times and, in any event, as with all City Council policies, reviewed every three years. Steve Lonnia also clarified the difference between the 'Cultural Hub' and 'Cultural Industries Quarter', with the latter being the term used by Sheffield City Council, and referring to the area between the city centre and the Midland Station.
- 4.6 RESOLVED: That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there

would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

4.7 Leo Charalambides reported orally, giving legal advice on various aspects of the Sex Establishment Policy.

4.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.9 RESOLVED: That the Committee:-

- (a) approves the Sex Establishment Policy, with no amendments, for implementation with effect from 1<sup>st</sup> January, 2018;
- (b) requests a report on the implementation of the Policy, after three months initially, and then every six months thereafter; and
- (c) thanks officers for the extensive consultation carried out by them and the legal advice given.

## **5. MINUTES OF PREVIOUS MEETINGS**

5.1 The minutes of the meetings of the Licensing Sub-Committee held on 7<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup> and 28<sup>th</sup> February, 2<sup>nd</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup> and 30<sup>th</sup> March, 6<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup>, 20<sup>th</sup>, 25<sup>th</sup> and 27<sup>th</sup> April, 2<sup>nd</sup>, 4<sup>th</sup>, 11<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup> May, 1<sup>st</sup>, 13<sup>th</sup>, 15<sup>th</sup>, 21<sup>st</sup>, 27<sup>th</sup> and 29<sup>th</sup> June, 4<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup>, 25<sup>th</sup> and 27<sup>th</sup> July, 8<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, 22<sup>nd</sup>, 24<sup>th</sup>, 29<sup>th</sup> and 31<sup>st</sup> August, 5<sup>th</sup>, 7<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, 19<sup>th</sup>, 26<sup>th</sup> and 28<sup>th</sup> September, 3<sup>rd</sup>, 5<sup>th</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup> and 26<sup>th</sup> October and 2<sup>nd</sup> November, 2017, were approved as correct records, subject to the addition of the name of Councillor Kieran Harpham to the list of names present at the meeting on 9<sup>th</sup> February, 2017 and the correction of the minutes of the meeting held on 25<sup>th</sup> April, 2017 which records the name of Councillor Andy Bainbridge twice in the list of names present at that meeting.

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