

## **EXTRAORDINARY GENERAL LICENSING SUB COMMITTEE**

Minutes of an Extraordinary General Licensing Sub Committee meeting the Bolsover District Council held in the Council Chamber on Tuesday 18<sup>th</sup> July 2019 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor Ray Heffer in the Chair

Councillors Pat Cooper, Paul Cooper, Maxine Dixon, Mary Dooley, Natalie Hoy and Andrew Joesbury.

Officers:- Kevin Shillitto (Solicitor), Deborah Cartwright (Solicitor (Contentious Team)), Kevin Rowland (Licensing Team Leader), Sharon Smith (Licensing & Enforcement Officer), Alison Bluff (Governance Officer) and Liz Robinson (Governance).

### **0166. APOLOGIES**

Apologies for absence were received on behalf of Councillors Rose Bowler and Steve Fritchley.

### **0167. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **0168. LICENSING OF SEX ESTABLISHMENTS**

Committee considered a report which set out the required stages of the legal process to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act'), in order that the Council as the Licensing Authority was able to regulate sex establishments in the Bolsover District.

Licensing of sex cinemas, sex shops and sexual entertainment venues was governed by Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009 ("the 2009 Act").

All councils who wished to have the power to licence such establishments were required to adopt Section 2 of the 1982 Act and section 27 of the 2009 Act. Whilst Bolsover District Council was able to evidence the adoption of the 2009 Act provision, it was unable to evidence the formal adoption of the 1982 Act.

It was proposed that Bolsover District Council formally adopts the legislation and thereafter a draft sex establishment policy be presented to Committee with a period of consultation to follow.

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Currently, there were no known sex establishments within the District, however, the Council would be unable to regulate under The Acts unless it adopted the relevant legislation. The formal adoption of the legislation and a policy would mean the Council had powers immediately at its disposal to adequately and fairly address the issue should the need arise.

Prior to coming into force, the Council was required to publish for two consecutive weeks in a local newspaper circulating in the District, a notice that they had passed a resolution; the first publication being no later than 28 days before the date specified in the resolution for the coming into force of the Council's powers.

Moved by Councillor Natalie Hoy and seconded by Councillor Mary Dooley

**RESOLVED** that (1) Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, 'Control of Sex Establishments' shall apply to the District of Bolsover,

(2) this matter be referred to Council on 11<sup>th</sup> September 2019 to pass a resolution under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 3 of the Act to come into force on 27<sup>th</sup> October 2019,

(3) the General Licensing Sub Committee be given responsibility to determine applications for Sex Establishments including sexual entertainment venues, sex shops and sex cinemas) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) where representations are received and not withdrawn,

(4) a draft policy on sex establishments be prepared for consultation within the District to clarify the Council's policy on:

- i "relevant locality" and "appropriate number";
- ii conditions under which sex establishments must operate; and
- iii a recommendation on an appropriate fee for applications

(5) the draft policy shall be submitted to a future Licensing Committee for Members' approval for a full 6 week consultation period.

(Licensing Team Leader/ Solicitor (Contentious Team))

The meeting concluded at 1015 hours.