

# Crawley Borough Council

## Minutes of Licensing Committee

26 January 2011 at 8.00pm

### Present:

Councillor B McCrow (Chair)

Councillors N Boxall, B J Burgess, L R Gilroy, M G Jones, S Kaur,  
D P Kavanagh, P K Lamb, J L Millar-Smith, B J Quinn, D J Shreeves  
and J A Singh

### Officers Present:

Tony Baldock	Group Manager – Regulatory Services
Mike Lyons	Senior Licensing Officer
Mez Matthews	Democratic Services Officer
Astrid Williams	Lawyer

### Apologies for Absence:

Councillors B K Blake, V S Cumper and C C Lloyd

### 14. Minutes

The minutes of the meeting of the Committee held on 3 November 2010 were approved as a correct record and signed by the Chair.

### 15. Members' Disclosure of Interests

No disclosures of interests were made by Members.

### 16. Licensing Sub Committee Minutes

The minutes of the following meeting of the Licensing Sub-Committee were approved as a correct record and signed by the Member indicated below:-

Date	Sub-Committee Minutes	Minutes signed by
26 October 2010 – 28 October 2010	Application for a Premises Licence by Tony Witton for a Proposed Event at Southgate Playing Fields Called 'Sussex Rocks' Friday 6 <sup>th</sup> May – Saturday 7 <sup>th</sup> May 2011.	Councillor B McCrow (Chair of the Panel)

## 17. Sex Establishment Venues (SEVs)

The Committee considered report PES/20 of the Head of Planning and Environmental Services which informed the Committee of the provisions of the Policing and Crime Act 2009 which introduced a new category of sex establishments called 'sex entertainment venues' (SEV), and thereby allows local authorities to regulate lap dancing clubs and similar venues. Those new provisions would give local authorities more powers to control the number and location of lap dancing clubs and similar venues in the area. The report explained that it was not mandatory for a local authority to resolve to use the powers; they would only apply where they were adopted by local authorities. Where adopted, the provisions would allow local authorities to refuse an application on potentially wider grounds than was permitted under the Licensing Act 2003 and would give local people a greater say over the regulation of lap dancing clubs and similar venues in the area. The Committee noted that there were currently no SEVs in Crawley and Members' attention was drawn to the amended proposed recommendation before them should the Committee be minded to recommend that the Council regulate SEVs.

The Committee questioned the pros and cons of adopting the provisions and were informed that if the Council were minded to adopt the provision it would be able to regulate the activity of SEVs by the granting of licences with appropriate conditions to the operators of such venues. The Committee was informed that if SEVs were not regulated by the adoption of these new provisions, SEV activity could take place on a frequent basis within the Borough without the need for a licence, and therefore the Council would have limited ability to regulate such activities. The Committee was further advised that if the Council did not make a resolution to adopt the provision by the 5 April 2011 the new legislative provisions required that the Council must consult the public on whether the Council ought to new provisions should be adopted.

The Senior Licensing Officer informed the Committee that if the Council did resolve that the new provisions regarding SEVs were to be adopted, then any unsuccessful applicant for a sex establishment licence (including one which proposed SEV activity) had a right of appeal to the local Magistrates' court against the decision to refuse the licence.

The Committee considered the information contained within the report as well as the current policy, guidance, fees and forms which were appended to the report.

### RESOLVED

1. That Full Council be RECOMMENDED to resolve to adopt that the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made by Section 27 of the Policing and Crime Act 2009 are to apply to the borough of Crawley with effect from 11 April 2011.
2. If so resolved, the Full Council be further RECOMMENDED to authorise the Head of Planning and Environmental Services to:
  - (a) Publish the requisite notices; and
  - (b) Amend the Sex Establishment Policy so that the definition of 'Sex Establishment' includes 'Sexual Entertainment Venues' and any other ancillary amendments.

**18. Closure of Meeting**

With the business of the Committee concluded, the Chair declared the meeting closed at 8.20pm.

**B MECROW**  
**Chair**