

BARNSELY METROPOLITAN BOROUGH COUNCIL



GENERAL LICENSING REGULATORY BOARD

12th January, 2011

18. **Present:** Councillors C. C. Wraith (Chairman), Barlow, P. Birkinshaw, Bowden, Brook, J. Carr, Clarke, Gaunt, Howard, Kyte, Lofts, Picken, Stokes and Sylvester.

19. **Declarations of Personal Interest**

There were no declarations of personal interest from Members in respect of items on the agenda.

20. **Minutes**

The minutes of the meeting held on 27th October, 2010 were taken as read and signed by the Chairman as a correct record.

21. **Urgent Action Taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations**

RESOLVED that the urgent action taken under Paragraph B6 of the Responsibility for Executive Functions – Officer Delegations, as contained within the Appendix to the minutes, be noted.

22. **Policing and Crime Act 2009 – Sex Establishments**

The Assistant Director Regulatory Services submitted a report requesting the Board to recommend to Council the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 to give this Board delegated powers to regulate sex establishments within the Borough.

The report outlined the types of premises that could be regulated, the fees that could be levied and indicated that Section 27 of the Policing Act gave authorities powers to control the number and type of premises within the area. Whilst these powers were not mandatory, in areas where the legislation had been adopted, the provisions allowed local authorities to refuse applications on potentially wider grounds than was permitted under the current legislation and would give local people a greater say over the regulation of premises within their area.

Within Barnsley there was currently one premise located on Wellington Street in the Central Ward which fell within the classification of a sexual entertainment venue and no complaints had been received in relation to its operation since opening in 2006. There were two licensed sex shops,

one in the Central Ward and one located in the Stairfoot Ward in respect of which there had only been one complaint within the last five years. This complaint had been in relation to external signage and had been resolved immediately by the operator upon request.

In determining the numbers of premises that would be allowed within specific wards, officers had taken into account the number, type and location of those premises already operating as Section 3 of the Act allowed authorities to refuse an application if:

- it deemed that the number of sex establishments or sex establishments of a particular kind in a relevant locality was equal to or exceeded the number that the Authority considered appropriate for that locality; or
- the establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity were put or the layout, character or condition of the premises

The decision regarding what constituted a “relevant locality” was that of the Authority and officers were recommending, therefore, that each individual ward in the Borough should be dealt with as such a locality. It was also recommended that the appropriate number of premises for each locality should remain at the existing number and type with all others being “nil”.

In response to questioning, the Assistant Director commented that the Authority could impose standard conditions upon licences including any requirements, for example, that all staff should be CRB checked. The report also indicated that national consultation had been undertaken as to what constituted appropriate standard conditions and this would be subject of a further report/discussion.

RECOMMENDED TO FULL COUNCIL ON THE 10TH FEBRUARY, 2011:-

- (i) that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 be adopted, to allow the Council to regulate sex establishments in the Borough with the adoption coming into effect on Monday 28th March, 2011;
- (ii) that the functions contained within Schedule 3 of the above Act be delegated to the General Licensing Regulatory Board in order to regulate sex establishments in the Borough;
- (iii) that the Assistant Director Regulatory Services take the necessary procedural steps to bring the adoption into effect; and

- (iv) that the Draft Policy on the Regulation of Sex Establishments, as outlined in the appendix to the report now submitted, be approved in respect of these types of premises including the relevant licence fees and the recommended maximum numbers of premises allowed within each Ward.

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Chairman

Appendix

**Urgent Action Taken under Paragraph B6 of the Responsibility for
Executive Functions - Officer Delegations contained in the Council
Constitution**

| <u>Chairman</u> | <u>Date of Decision</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| 1. <u>Sex Shop Premises, 3, Doncaster Road, Barnsley</u> That the Sex Shop Premises Licence for 3, Doncaster Road, Barnsley be approved in accordance with the previous licences that have been issued. | 21 st December, 2010 |